United States Court of Appeals
for the Second Circuit

APPENDIX

77 - 7093

UNITED STATES COURT OF APPEALS

For the Second Circuit

Original

GLADYS GENTILE,

Plaintiff-Appellant,

-against-

JOHN WALLEN, et al.,

Defendants-Appellees.

On Appeal from Judgment and Order of the United States District Court for the Eastern District of New York

---

APPENDIX

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UNITED STATES COURT OF APPEALS
FILED
MAY 11 1977
A. DANIEL FUSARO, CLERK
SECOND CIRCUIT

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UNITED STATES COURT OF APPEALS
FOR THE SECOND CIRCUIT

Index No.

GLADYS GENTILE,

Plaintiff-Appellant, ~~Plaintiff~~

against

JOHN WALLEN, et al.,

Defendants-Appellees. ~~Defendant~~

AFFIDAVIT OF SERVICE BY MAIL

STATE OF NEW YORK, COUNTY OF NEW YORK) *ss.:*

The undersigned being duly sworn, deposes and says:

Deponent is not a party to the action, is over 18 years of age and resides at BRONX, NEW YORK 10457

That on April 18, *19*77 *deponent served the annexed* APPENDIX *on* Hull, Block & Grundfast *attorney(s) for* Defendants-Appellees *in this action at* 8 Manor Road, P.O. Box 623, Smithtown, N.Y. 11787 *the address designated by said attorney(s) for that purpose by depositing a true copy of same enclosed in a postpaid properly addressed wrapper, in ~~a post office~~ official depository under the exclusive care and custody of the United States Postal Service within the State of New York.*

Sworn to before me April 18, 1977.

Anne Dente

ANNE DENTE
NOTARY PUBLIC, State of New York
No. 24-4618803
Qualified in Kings County
Commission Expires March 30, 1979

Agnes M. Callwood
The name signed must be printed beneath
AGNES M. CALLWOOD

C 321—Affirmation of Service of Papers by Mail.
Affidavit of Service By Mail on Reverse Side.

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Index No.

Plaintiff

against

Defendant

ATTORNEY'S AFFIRMATION OF SERVICE BY MAIL

STATE OF NEW YORK, COUNTY OF *ss.:*

The undersigned, attorney at law of the State of New York affirms: that deponent is attorney(s) of record for

That on *19* *deponent served the annexed*

on
attorney(s) for
in this action at
the address designated by said attorney(s) for that purpose by depositing a true copy of same enclosed in a postpaid properly addressed wrapper, in—a post office—official depository under the exclusive care and custody of the United States Postal Service within the State of New York.

The undersigned affirms the foregoing statement to be true under the penalties of perjury.

Dated

The name signed must be printed beneath

Attorney at Law

TABLE OF CONTENTS

Page

Docket Entries.. 1

Order to Show Cause for Temporary Restraining Order and Preliminary Injunction.............................. 3

Affidavit in Support of Plaintiff's Motion for A Temporary Restraining Order and Preliminary Injunction...................................... 6

Affidavit of Gladys Gentile, Read In Support of Application......................... 11

Exhibit A, Annexed to Affidavit of Gladys Gentile, Summons.................................... 39

Exhibit A, Annexed to Affidavit of Gladys Gentile, Complaint.................................. 41

Exhibit 1, Annexed to Complaint, Annexed to Affidavit, Memorandum to Gladys Gentile re: Tenure...................................... 68

Exhibit II, Annexed to Complaint, Annexed to Plaintiff's Letter of April 4, 1975............... 69

Exhibit III, Annexed to Complaint, Annexed to Affidavit, Letter to Gladys Gentile from John Wallen.................................. 70

Exhibit IV, Annexed to Complaint, Annexed to Affidavit, Charges Preferred by John Wallen.................. 72

Exhibit V, Annexed to Complaint, Annexed to Affidavit, Letter to Gladys Gentile from Mr. Hines Citing Reasons for Dismissal..................... 75

Exhibit VI, Annexed to Complaint, Annexed to Affidavit, Reply to Mr. Hines from Gladys Gentile............ 77

Page

Exhibit VII, Annexed to Affidavit, Article IV, Tenure.............................. 103

Exhibit B, Annexed to Affidavit of Gladys Gentile, Evaluation Dated April 20, 1975........... 104

Exhibit C, Annexed to Affidavit of Gladys Gentile, Evaluation Dated November 14, 1972........ 106

Exhibit D, Annexed to Affidavit of Gladys Gentile, Evaluation Dated November 14, 1972........ 108

Exhibit E, Annexed to Affidavit of Gladys Gentile, Evaluation Dated May 15, 1973............. 110

Exhibit F, Annexed to Affidavit, June 12, 1973 Document........................... 112

Exhibit H, Annexed to Affidavit, Newspaper Article in Port Jefferson Record......... 114

Exhibit I, Annexed to Affidavit, Newsday article, end of October, 1975.............. 115

Exhibit J, Annexed to Affidavit of Gladys Gentile, Charges Filed Against Johnson by the School District................................ 116

Exhibit K, Annexed to Affidavit, New York Daily News article, September 16, 1975.. 132

Exhibit L, 1-16, Annexed to Affidavit, Responses to Letters of Application to to School Districts in Suffolk County.............. 133

Exhibit M, 1-22, Annexed to Affidavit, Applications from School Districts in Suffolk County................................ 152

Notice of Cross-Motion and Cross-Motion............... 255

BEST COPY AVAILABLE

Page

Statement of Material Facts, Pursuant to Local Rule 9(g)........................ 258

Affidavit of Frederic Block........................ 265

Affidavit of John W. Wallen........................ 268

Exhibit A, Annexed to Wallen Affidavit, Letter Dated June 20, 1966, From Gladys Gentile to District Principal and Principal of Comsewogue School District........................ 281

Exhibit B, Annexed to Wallen Affidavit, Letter Dated July 1, 1966 from District Principal to Gladys Gentile........................ 283

Exhibit C, Annexed to Wallen Affidavit, Letter of Resignation Dated May 1, 1967............ 284

Exhibit D, Annexed to Wallen Affidavit, Minutes of Board of Education Meeting of May 15, 1967........................ 286

Exhibit E, Annexed to Wallen Affidavit, Memorandum Dated February 14, 1968.................. 288

Exhibit F, Annexed to Wallen Affidavit, Probation Appointment of Gladys Gentile Effective September 1, 1972........................ 290

Exhibit G, Annexed to Wallen Affidavit, Letter from Gladys Gentile, Dated July 30, 1970..... 292

Exhibit G, Annexed to Wallen Affidavit, Letter from Robert Johnson, Dated July 30, 1970..... 293

Exhibit H, Annexed to Wallen Affidavit, Letter from Stuart H. Potter, Dated August 12, 1970. 294

Exhibit H, Annexed to Wallen Affidavit, Letter from John W. Wallen, Dated August 24, 1970.. 295

Exhibit I, Annexed to Wallen Affidavit.............. 296

Page

Exhibit J, Annexed to Wallen Affidavit, Charges Preferred Against Robert J. Johnson Dated April 15, 1975 and May 13, 1975.............. 297

Exhibit K, Annexed to Wallen Affidavit, Letter from James Hines, Dated June 2, 1975......... 313

Exhibit L, Annexed to Wallen Affidavit, Letter from Frederic Block, Dated June 4, 1975...... 315

Exhibit M, Annexed to Wallen Affidavit, Findings and Recommendations of Hearing Panel, Dated September 12, 1975.................... 318

Exhibit N, Annexed to Wallen Affidavit, Decision of Board of Education, Dated November 20, 1975............................ 320

Exhibit O, Annexed to Wallen Affidavit, Minutes of Board of Education Public Session, Dated July 21, 1975........................... 325

Exhibit P, Annexed to Wallen Affidavit, Grievance Filed by Port Jefferson Station Teachers Association............................. 329

Exhibit Q, Annexed to Wallen Affidavit, Demand for Arbitration Dated April 25, 1975....... 330

Exhibit R, Annexed to Wallen Affidavit, Decision and Judgment of Justice Gordon M. Lipetz, Dated August 29, 1975 and October 1, 1975 Respectively, Granting the Application of the School District.......... 332

Exhibit S, Annexed to Wallen Affidavit, Newspaper Clippings Referring to Gladys Gentile.. 352

Exhibit T, Annexed to Wallen Affidavit, Transcript of Deposition of Gladys Gentile Held on October 1, 1975........................... 362

Exhibit U, Annexed to Wallen Affidavit, Minutes of Budget Defeat Dated July 13, 1976...... 401

Page

Exhibit V, Annexed to Wallen Affidavit, Letter Dated June 21, 1976 from John W. Wallen...... 402

Exhibit V, Annexed to Wallen Affidavit, List of Affected Teachers.............................. 403

Affidavit of James Hines........................... 405

Exhibit A, Annexed to Hines Affidavit, Letter from James Hines to Gladys Gentile, Dated June 2, 1975................................ 409

Exhibit B, Annexed to Hines Affidavit, Letter from Gladys Gentile to James Hines, Dated June 4, 1975................................ 411

Affidavit of Frank D'Addario........................ 412

Affidavit of Peter Sapienza......................... 416

Affidavit of Rosella Dryer.......................... 420

Affidavit of Arthur Howard.......................... 423

Affidavit of Jerome Flescher........................ 427

Supplemental Affidavit.............................. 431

Exhibit A, Annexed to Supplemental Affidavit, Notice of Determination of Unemployment Claim of Gladys Gentile............................. 436

Exhibit B, Annexed to Supplemental Affidavit, Typed and Handwritten Statement of Edris Clark..... 440

Memorandum and Order of Pratt, J.................... 445

Notice of Appeal.................................... 460

Docket Entries

76C 911 Gentile vs Wallen et al

Date	NR	Proceedings	
5-19-76		Complaint filed. Summons issued.	(1) (cg)
6-9-76[sic]		Summons ret and filed/executed.	(2)
6-23-76		Before Pratt, J.-Case called Adj'd to 6-23-76 for civil motion.	
7-19-76		Notice of cross-motion ret. 7-23-76 to dismiss etc., filed. with memo of law.	(3/4)
8-16-76		Before PRATT, J-Case called. Decision on motion to dismiss reserved.	
12-23-76		By Pratt, J dtd 12/22/76 memo and order-deft's have not violated pltff's constitutional rights are dismissed Counts VI, VII, & VIII and Counts IX, X & XI are also dismissed. filed. and grant. summary judgment	(5)
1-25-77		Judgment that the pltff take nothing of the defts and that the complaint is dismissed filed.	(6)
1-31-77		NOTICE OF APPEAL FILED. (PLTFF) Copy mailed to C of A.	(7)
3-3-77		Scvil appeal scheduling order filed (3-11-77 [sic]	(8)

Docket Entries (cont'd)

Date	NR	Proceedings	
4-7-77		Brief of Port Jefferson Sta. Teachers Assoc filed.	(9)
4-7-77		Pltff's memo of law filed.	(10)
4-7-77		Pltff's reply memo. of law.	(11)
4-7-77		Supplemental affidavit of Gladys Gentile filed.	(12)
4-7-77		By BRUCHHAUSEN, J-Order to show cause ret 10-8-76 for an order granting a preliminary inj. filed.	(13)

Order to Show Cause for Temporary Restraining Order and Preliminary Injunction

UNITED STATES DISTRICT COURT
For the
EASTERN DISTRICT OF NEW YORK

GLADYS GENTILE,

Plaintiff,

-against-

JOHN WALLEN, individually and as District Principal of the Comsewogue School District, JAMES HINES, individually and as Superintendent of Schools of Supervisory District #2, Town of Brookhaven, BOARD OF EDUCATION, COMSEWOGUE SCHOOL DISTRICT, FRANK D'ADDARIO, individually and as a member of the Board of Education, JEROME FLESCHER, individually and as a member of the Board of Education, ARTHUR S. HOWARD, individually and as a member of the Board of Education, PETER SAPIENZA, individually and as a member of the Board of Education, LEWIS WEINERMAN, individually and as a member of the Board of Education, PAUL S. ALLEN, individually and as a member of the Board of Education, ROSELLA DREYER, individually and as a member of the Board of Education, WALDEMOR SILLS, individually and as a member of the Board of Education, STUART PORTER, JR., individually and as a member of the Board of Education, JOSEPH BUSA, individually and as a member of the Board of Education, LAWRENCE PANNULLO, individually and as a member of the Board of Education, RICHARD AHKAO, individually and as a member of the Board of Education, CHARLES STROPOLI, individually and as a member of the Board of Education, WILLIAM P. MARTIN, individually and as a member of the Board of Education,

Defendants.

ORDER TO SHOW CAUSE FOR TEMPORARY RESTRAINING ORDER AND PRELIMINARY INJUNCTION

76 Civ. 911

BRUCHHAUSEN, J.

Upon the complaint dated MAY 13, 1976, filed contemporaneously with this Court and annexed hereto, and upon the affidavits of GLADYS GENTILE, sworn to APRIL 22, 1976, and DAVID N. STEIN, sworn to MAY 13, 1976, it is hereby

ORDERED, that the defendants show cause before this Court at 10A M., on OCTOBER 8, 1976, in room 3 of the United States Courthouse, Cadman Plaza, Brooklyn, New York, why an order pursuant to FRCP 65(a) for a preliminary injunction, should not issue, and it is further

W.B. USDJ

~~ORDERED that pending the hearing of the motion for preliminary injunction, the defendants and their representatives, agents, employees and successors are ordered to:~~

~~Reinstate plaintiff to her position as an elementary teacher of the Comsewogue Elementary School, Port Jefferson Station, New York, with full back pay and benefits nunc pro tunc to June 30, 1975, and it is further~~

ORDERED that the defendants show cause at the time and place specified why a preliminary injunction should not issue granting the relief described above pending a due process hearing, and it is hereby further

ORDERED that service by mail of this order to show cause, together with support thereof, shall be made on the defendant Board of Education at its principal office of business at 400 Jayne Boulevard, Port Jefferson Station, New York, 11776, not later than 5:00 o'clock P.M. on YUNE 11, 1976.

Dated: Brooklyn, New York
MAY 24, 1976.

WALTER BRUCHHAUSEN

Affidavit In Support of Plaintiff's Motion for A Temporary Restraining Order and Preliminary Injunction

UNITED STATES DISTRICT COURT
For the
EASTERN DISTRICT OF NEW YORK

GLADYS GENTILE,

Plaintiff,

-against-

JOHN WALLEN, individually and as District Principal of the Comsewogue School District, JAMES HINES, individually and as Superintendent of Schools of Supervisory District #2, Town of Brookhaven, BOARD OF EDUCATION, COMSEWOGUE SCHOOL DISTRICT, FRANK D'ADDARIO, individually and as a member of the Board of Education, JEROME FLESCHER, individually and as a member of the Board of Education, ARTHUR S. HOWARD, individually and as a member of the Board of Education, PETER SAPIENZA, individually and as a member of the Board of Education, LEWIS WEINERMAN, individually and as a member of the Board of Education, PAUL S. ALLEN, individually and as a member of the Board of Education, ROSELLA DREYER, individually and as a member of the Board of Education, WALDEMOR SILLS, individually and as a member of the Board of Education, STUART PORTER, JR., individually and as a member of the Board of Education, JOSEPH BUSA, individually and as a member of the Board of Education, LAWRENCE PANNULLO, individually and as a member of the Board of Education, RICHARD AHKAO, individually and as a member of the Board of Education, CHARLES STROPOLI, individually and as a member of the Board of Education, WILLIAM P. MARTIN, individually and as a member of the Board of Education,

Defendants.

AFFIDAVIT IN SUPPORT OF PLAINTIFF'S MOTION FOR A TEMPORARY RESTRAINING ORDER AND PRELIMINARY INJUNCTION

76 Civ.

7

STATE OF NEW YORK)
)SS.:
COUNTY OF SUFFOLK)

DAVID N. STEIN, being duly sworn, deposes and says that:

1. He is associated with James R. Sandner, attorney for plaintiff and is fully familiar with the facts and circumstances of this action and makes this affidavit in support of plaintiff's motion for a temporary restraining order and preliminary injunction restoring her to her teaching position nunc pro tunc to June 30, 1975.

2. Plaintiff brings this action pursuant to 42 USC 1981, 1983 and 1985, and 28 USC 2201, and the United States Constitution and statutes.

3. Plaintiff, a school teacher, seeks a temporary restraining order and preliminary injunction restoring her to her position retroactive to June 30, 1975, pending a due process hearing.

4. Basically, plaintiff was employed by the defendant school district as a teacher for various periods of time during the past nine years.

5. Last summer, defendants terminated plaintiff because, they alleged, she had conspired and colluded with the principal in her school to falsify his observations and evaluations of her work.

6. Although the grounds upon which defendants terminated plaintiff stigmatized her in the general, as well as the educational, community, defendants did not give plaintiff a due process hearing.

7. Defendants, therefore, violated plaintiff's liberty interest, which is protected by the Fourteenth Amendment to the United States Constitution.

8. Defendants communicated their allegations against plaintiff to each other and to outsiders, including the press and the New York State Department of Labor.

9. Plaintiff has been subjected to humiliation and has been precluded from pursuing her profession by defendants' unlawful acts.

10. Plaintiff's affidavit and the annexed exhibits indicate beyond doubt that plaintiff will succeed in this action.

11. Where a plaintiff, as here, makes allegations of violations of his (her) basic constitutional rights, a mere showing of probability of success on the merits is sufficient to justify the issuance of injunctive relief and a showing of irreparable harm is unnecessary.

12. Nevertheless, it is clear that defendants have irreparably harmed plaintiff by humiliating her and fore-

closing any opportunity she might have had of obtaining employment as a teacher by permitting the reasons for her termination to be publicly disseminated.

13. It goes without saying that by establishing a probability of success on the merits, plaintiff has raised serious questions going to the merits.

14. Moreover, the hardships clearly tip in favor of plaintiff. Defendants have hired plaintiff several times in the past nine years. Her competence has never been questioned and she was terminated on the sole ground of falsifying the observations and evaluations. Plaintiff has made a good faith effort to obtain employment elsewhere in the past eight months and has been unsuccessful. Additionally, she and her family have been subjected to harassment and humiliation.

15. Plaintiff meets the standards for injunctive relief under three different tests.

16. Your deponent called the offices of Frederic Block, Esq., attorney for the defendant School District, on and on April , 1976, and informed him that plaintiff would seek an Order to Show Cause with a temporary

restraining order on April , 1976 at about .

WHEREFORE, your deponent prays that this Court issue a temporary restraining order and preliminary injunction ordering defendants to restore plaintiff to her position as a teacher nunc pro tunc to June 30, 1975 pending a due process hearing together with such other and further relief as to the Court may seem just, proper and equitable.

DAVID N. STEIN

Sworn to before me this
day of , 1976.

Notary

Affidavit of Gladys Gentile, Read In Support of Application

UNITED STATES DISTRICT COURT
For the
EASTERN DISTRICT OF NEW YORK

GLADYS GENTILE,

Plaintiff,

-against-

JOHN WALLEN, individually and as District Principal of the Comsewogue School District, JAMES HINES, individually and as Superintendent of Schools of Supervisory District #2, Town of Brookhaven, BOARD OF EDUCATION, COMSEWOGUE SCHOOL DISTRICT, FRANK D'ADDARIO, individually and as a member of the Board of Education, JEROME FLESCHER, individually and as a member of the Board of Education, ARTHUR S. HOWARD, individually and as a member of the Board of Education, PETER SAPIENZA, individually and as a member of the Board of Education, LEWIS WEINERMAN, individually and as a member of the Board of Education, PAUL S. ALLEN, individually and as a member of the Board of Education, ROSELLA DREYER, individually and as a member of the Board of Education, WALDEMOR SILLS, individually and as a member of the Board of Education, STUART PORTER, JR., individually and as a member of the Board of Education, JOSEPH BUSA, individually and as a member of the Board of Education, LAWRENCE PANNULLO, individually and as a member of the Board of Education, RICHARD AHKAO, individually and as a member of the Board of Education, CHARLES STROPOLI, individually and as a member of the Board of Education, WILLIAM P. MARTIN, individually and as a member of the Board of Education,

Defendants.

AFFIDAVIT

76 Civ.

STATE OF NEW YORK)
)SS.:
COUNTY OF SUFFOLK)

GLADYS GENTILE, Being duly sworn, deposes and says:

1. I am the plaintiff herein and make this affidavit in support of my application for a preliminary injunction herein.

2. In September of 1962, I began teaching at the Comsewogue Elementary School, Port Jefferson Station School District. I continued as a teacher there and was appointed to tenure in the Spring of 1965. I continued teaching in the school until June of 1966, at which time I requested a general leave for medical and personal reasons. The leave was granted.

3. In the spring of 1966, the principal of the Comsewogue Elementary School, Mr. Johnson, contacted me to request a definite decision regarding my plans for the 1966-67 school year. The alternative offered to me was (1) to return as classroom teacher in September, or (2) to resign. I therefore resigned.

4. On or about February 23, 1968, I commenced a part-time 2 1/2 day per week assignment as a music teacher at the Comsewogue Elementary School for the remainder of the school year. I did not solicit this position, but it had been offered to me by the District because there was

some difficulty in maintaining the music program in that year.

5. In September, 1968, I returned to Comsewogue Elementary School as a kindergarten teacher.

6. In the spring of 1969, the District decided to close the Comsewogue Elementary School for the coming school year for renovations. I was, therefore, assigned to the Terryville Elementary School for the 1969-70 school year.

7. In July of 1970, I requested a maternity leave for 1970-71. The Board of Education never took any action on my request. In late July or early August, I received several telephone calls from a school board member, one Waldemor Sills. We discussed the circumstances for my leave, and he initially assured me he would do everything possible to arrange the leave. He advised me that he felt I was most deserving of being granted special leave and suggested that I need not worrry too much about the matter. He was sure that something could be arranged.

8. Upon information and belief, I experienced difficulty in obtaining a maternity leave since the baby that had come into my life was not natural-born, but was adopted. I was never denied the leave; I was never granted the leave, and there was no disposition of the request for a leave, but

it certainly seemed completely unfair and unjust to deny me a leave from that time that I took possession of the baby, solely on the grounds that the child was adopted and not natural-born.

9. On or about June, 1972, when I was substituting at the Comsewogue Elementary School, Mr. Johnson and I had a conversation regarding the possibility of my returning to Comsewogue as a second grade teacher. He expressed particular interest in assigning me to grade two, as all regular second grade staff would be on leave. My principal, Mr. Johnson, stated that he felt my unique experience would be invaluable under the circumstances. He arranged a meeting between myself and Mr. Wallen, for June 27, 1972. Defendant Wallen offered me a position at the Comsewogue School and placed me on the salary scale which represented my years of service in the district. I signed the prepared salary agreement at that meeting.

10. In September, 1972, I rejoined the Comsewogue teaching staff, and was assigned to grade two.

11. On or about Thursday, March 20, 1975, my principal, Mr. Johnson, observed a math lesson taught by myself. At its conclusion, he asked me to report to his office for a conference that very day and I did so. At that time the observation was routinely discussed. Mr. Johnson told me that

all evaluations and his recommendation regarding my appointment to tenure were due in Mr. Wallen's office the following morning. He indicated that he would make a very strong positive recommendation and that he felt it was fairly academic due to the length of my service in the district. However, Mr. Johnson indicated that upon checking his file, he found it necessary to have three observations retyped as they were too sloppy. He presented them to me and asked me to sign them. I read through each one and found the contents to be accurate. All comments and ratings were positive as I knew had been the case with all observations during that three-year period. I felt pressed and compelled to sign the retyped observations and Johnson was clearly anxious for me to sign them in order to forward this recommendation to the District principal, the Defendant Wallen. I had no independent record of these events and thus I was absolutely sure that these required observations and follow-up conferences had been properly executed each school year, 1970--75. I had no reason to suspect these forms to be inaccurate in any way since they had been prepared by my Principal. I thus signed them. Since my conference time had elapsed I returned to my classroom.

12. On or about March 21, 1975, an urgent message was brought to my classroom to call the defendant Wallen.

When I called Wallen told me there was a very serious problem regarding my recommendation for tenure. He made an appointment with me at 4 p.m. During lunch break I asked Mr. Johnson what the serious problem was all about. He told me that he had no idea. However, later in the day, Johnson told me that he may have forgotten to remove the appropriate tear-off copies of the evaluation forms and possibly Wallen had noticed that, or the fact that three of them were signed in the same color ink. Johnson further suggested that Wallen had been after him and had periodic campaigns against him for many years and this was probably another instance of that sort directed to his effectiveness rather than my own.

13. On or about March 21, 1975, at 4 p.m., I met with Mr. Wallen. There was no one else present at the meeting. After some introductory remarks on the grave seriousness of this matter, Wallen held up three sets of evaluation forms and asked me to verify my signature on each form. I identified them as my own. My eye caught the date next to my signature on one of the forms and I said, "that date looks funny, I don't think that's my writing." He told me then that they were obviously incorrect. One evaluation was dated April 20, 1975, which was still a month in the future (that was the evaluation that had been done on March 20, the date previously noted in paragraph "11" above); that on November 14, 1972, date of another evaluation I had reported ill;

and November 16, 1974, the date of another document was a Saturday; that May 16, 1973, the date of still a further document was the date on which the principal Johnson had reported ill; and that on June 12, 1973, a date of another document, I had reported ill. He asked me to explain how these observations could be made since one or both of us had not been in school on the dates mentioned (the April 20, 1975 document is annexed hereto as Exhibit "B", the November 14, 1972 document is annexed hereto as Exhibit "C", and the November 16, 1974 document is annexed hereto as Exhibit "D", the May 16, 1973 document is annexed hereto as Exhibit "E", and the June 12, 1973 document is annexed hereto as Exhibit "F").

14. The defendant Wallen wanted to know if Johnson and I usually spent time in school on Saturdays. I told him I didn't know anything about these errors, and therefore I had no explanation for them. Wallen indicated that he had spent virtually the entire day digging into the Comsewogue file and had found many other discrepancies and that many other people could very well find themselves in trouble. He expressed great distress and disgust with the entire situation. He rhetorically asked, "what is going on over there?" Wallen next told me that Johnson had barely, just short of insubordination, met his deadline in handing in the materials requested of him regarding my recommendation. By this point

in the meeting, I was becoming very upset and confused by Wallen's rapid-fire attack on my integrity.

15. I told defendant Wallen that at the most recent conference of March 20th, Johnson had presented me with the three observation forms from the file, and I had been asked to sign them, which I did. I told Wallen that although Johnson's apparent oversight in this matter had upset me, and I felt uncomfortable about it, nevertheless I felt compelled to sign them in order for him to complete my file and forward the recommendation to Wallen. I mentioned that I was certain that the appropriate observations and conferences had been done during the past three years and that these evaluations were accurate. When I had read them, my attention was focused on the content and I had no reason to suspect or question the dates.

16. Defendant Wallen indicated that with nine years experience in the District, I had no excuse for signing forms of which dates I had not checked. He said this several times. He then made several comments about the content of the evaluation forms. He claimed that they were much too favorable, and that there must be some room for improvement in anyone's performance, that when he was a teacher he had spent two hours on conference with his superiors. He implied that I or

someone else was unwilling to spend enough time on evaluations and further implied that there had been some wrongdoing on my part with respect to the content of these evaluations. Defendant Wallen continued over and over to express his "great distress" and "upset" about this matter.

17. I made several statements protesting against and denying any collusion or knowledge of the apparent error. I affirmed emphatically that every observation had been properly done in the classroom of 30 to 45 minutes duration and that each post-observation conference had been completed. I further stated that it would have appeared uncooperative for me, a subordinate, to refuse to sign my superior's form upon his demand.

18. Wallen said, in effect, that if he had to make a decision regarding the recommendation for my tenure at that moment, it would be negative. He professed what a great personal and professional disappointment he felt in me. He said, "I thought you were more intelligent than most of them over there." He told me that I should consider this matter very carefully over the week-end, that I might come in again Monday morning with any "suggestions" I might have relative to the matter or to tell him anything pertinent at that time. I tried to elicit a clue as to what "suggestions" he wanted, but was unsuccessful.

19. Sometime during the interview, he said, "this looks to me like collusion, a conspiracy to defraud the district." He also questioned, "how would this look on [my] record", if I tried for position elsewhere. He indicated that this would become a part of my personnel record. He said, "did you know that becoming a party to defraud is a criminal offense?" He closed with the advisement that any decision regarding my future employment in the district would come directly from himself and no one else and also that once his decision was made it would be irrevocably final.

20. I was completely stunned and shocked by defendant Wallen's interpretation of these observation forms. The defendant Wallen virtually proceeded from one tirade of monologue to another in his attack on my integrity and that of Johnson.

21. I offered to provide him with a sworn statement from myself attesting to the fact that these events had occurred in each and every instance and that they had been properly completed, e.g., the observations and conferences. Wallen was not interested. I pointed out to him that Mrs. Black, a student teacher, had been present during the March 20, 1975 observation. A statement from Mrs. Black is annexed to my letter to Mr. Hines, the Superintendent defendant.

That letter is Exhibit "VI" to the complaint herein. (The complaint is annexed hereto as Exhibit "A")

22. After the meeting, I called my principal, Mr. Johnson, at his home and told him what had happened. I asked him what was going on. He told me that Wallen had periodically tried to pressure him into resigning over the past several years and this sounded like another one of those instances. The administration was getting rid of him and he regretted that I was in the middle.

23. On or about March 24, 1975, I made an appointment to see defendant Wallen. Said meeting occurred at 10:30 in the morning. I told Wallen I had considered this entire matter very carefully over the weekend and while I was shocked by Johnson's carelessness in dating his paperwork: (1) there was absolutely no intent on my part to defraud the district or collude with Johnson, and that I had not done so, in fact, I had signed the evaluations in good faith believing them to be accurate; (2) I was absolutely certain that all the observations had actually been done in post-observations held in each and every instance; (3) I had no reason to think that the forms presented to me by Johnson at any time were falsified or inaccurate, the contents were a matter of concern to me obviously, and in each and every case, the content was com-

pletely consistent with my recollection of all evaluations; (4) under Johnson's supervision as a principal for many years, I had no reason to question him or check his work; (5) my association with Mr. Johnson was strictly professional, and he could not have induced me to enter into any misconduct for his or anyone else's benefit, even if it had been suggested, which it had not.

24. Defendant Wallen questioned me as to what I meant by observation, did it mean looking in my door while I was walking down the hall?

25. I told him that every observation had taken a minimum of thirty to forty-five minutes.

26. He questioned the conferences, what did we discuss?

27. I told him the actual lesson or activities observed and other related matters such as children with special needs, matters of curriculum, the availability of materials.

28. Wallen told me he was waiting for a return call from Superintendent Hines about this situation, that he had contacted the attorney regarding this, and that he would seek guidance from the Board about this matter. He told me he would not like this to get out, and reiterated how bad it would look on my record if I sought employment elsewhere.

29. I told him that I fully appreciated my vulnerability and pointed out that my reputation was well known. I was not the sort of person who would become involved in any wrongdoing and I would not jeopardize a career of many years for someone else's interests. I pointed out that I had come there that morning of my own volition, alone, to restate the facts as I knew them. I said,"you known who I am, there is no possible motive or reason for me to lie about this or anything else." Wallen replied, "If I didn't believe you, you wouldn't be sitting here now."

30. I told defendant Wallen that I had found some evaluations done by Mr. Rice, Principal of the Terryville Schools which had been done during my one year tenure at that school while Comsewogue was being remodeled in 1969-70. All these evaluations were essentially the same as those made by Johnson.

31. Wallen stated that his personal feelings might be quite contrary to what he had to do professionally in this matter. "You must understand that I cannot pursue the investigation and actions in this matter of only one of the parties involved." He told me that because of the situation, he could not recommend me for tenure at this time, "If I had to make the decision today, it would be unfavorable to you." He added that "It was just possible for one of the parties involved to come out untouched, and he personally hoped it

would be me."

32. I told Wallen "the only possible suggestion I could presume to make was that he talk to Johnson about this and ascertained from him what had happened." Wallen told me he fully intended to do that.

33. Wallen suddenly became angry, he looked at me and said, "Do you know what I think, do you know what I really think", in a loud voice he went on, "My gut feeling is that these observations never took place at all!" Allowing me no opportunity to respond he continued, "I wasn't going to tell you this, but I'm going to anyway, I am totally disgusted with everyone in the entire Comsewogue School from top to bottom, secretary, aides, principal, custodian, teachers, everyone; that whole place is the most disgusting, sloppy operation with everyone covering up for everyone else. It's just one big cover-up and I intend to clean it out, however and whatever it takes."

34. I reiterated that I had not entered into any plot and never would have done so. As the meeting ended I asked Wallen to be as fair in his decision as humanly possible. I was extremely upset and distressed.

35. On or about April 3, 1975, I received a memorandum from Mr. Wallen informing me that he would not recommend me

for tenure appointment (Annexed to the complaint hereto as Exhibit "I"). My Building Representative from the Union, Mr. Robert Davis, and I met briefly with Johnson, Building Principal, and asked him why the recommendation had been withheld. He indicated he had no knowledge of the reason and advised me that upon advice of counsel, we would have no further communication regarding this matter.

36. On or about April 4, 1975, Mr. Christopher Dillon, President of the Union, and myself went to the Central Office to examine and copy my permanent record file, at which time we noted that no copies of the teacher evaluation forms for the current three year period 1972-75 were included. Mr. McKibbon, Assistant to District Principal, was present. Defendant Wallen has gone for the day. We asked McKibbon and Wallen's secretary, Mrs. Nystedt, to furnish the evaluation forms or copies thereof immediately, and were informed that Wallen had them in his possession and that they would be produced the following Monday. However, they were not made available until April 17th.

37. On or about April 16, 1975, the defendant proferred notice of tenure charges against the principal. Robert Johnson. On or about April 17, 1975, I received photocopies of ten evaluation forms for the 1970-75 period. (On April 15, 1975, Johnson had been relieved of his position subject to the

filing of charges against him and had been moved to another position outside the Comsewogue school.)

38. On or about May 8, 1975, Johnson had a meeting with the defendant Hines. At that time Mr. Johnson told me he attempted to convince Hines there was no conspiracy of any kind.

39. Sometime in May or early June, Johnson came to my home on a Saturday and showed both my husband and myself a letter he was preparing to send to Hines. It again refuted the collusion theory. Back during April, May and June, 1975, Johnson and I had several brief phone conversations in which he updated me on the current events and made available any information which he had. According to Johnson, Wallen had called him into his office on the afternoon of March 24, and had given Johnson the option of resigning or being brought up on charges based on the evaluation form errors. Johnson claimed that Wallen repeatedly threatened not to recommend me for tenure because of this mess and his (Johnson's) inefficiency. According to Johnson, McKibbon, Wallen and Robert Noska were all present at that meeting.

40. On or about May 7, 1975, at approximately 10:45 a.m., Mr. Basile, Acting Principal of the Comsewogue School, entered my classroom, interrupting instruction to collect my plan

book. I objected on the basis that I was actively using these plans in the instruction. He insisted I had no choice but to relinquish the book immediately as the defendant Wallen had ordered it ready for his messenger. A photocopy of the current day's plans were made for my use. At 4:30 p.m. my plan book was returned with the message that Wallen wished to peruse my 1972-73 and 74 plan books also. The sudden intrusion into my classroom and the requests to inspect these plan books without any notice whatsoever was extremely upsetting and disrupting to me and I felt in the light of the events of that time, harassed.

41. On or about May 9, 1975, a delegation of parents of students in my class had a meeting with defendant Hines. Attending were Trudy Fox, Adam and Barbara Fischer, Katherine Gruendel and Martha Cooper.

42. On or about May 15th, 1975, I received by inter-school mail, a letter from John Wallen requesting that I produce certain planbooks for the 1972-73 and 1973-74 school years for his perusal. This was the second request from Wallen for these plan books. On the same day at 4:15, I met with Mr. Hines, Superintendent of Supervisory District #2, and a defendant herein; present also was Christopher Dillon, the President of my Union, and Richard Newcomb, a New York State United Teachers Field Representative. We tried

to present facts concerning the controversy at hand in an attempt to gain Hines' favorable intervention and rectify this unfavorable treatment which was being inflicted upon me by defendant Wallen.

43. At this meeting, I explained my complete frustration and confusion regarding the sequence of events to date which, if they resulted in my termination would be tantamount to the destruction of my career in education. I stated that I had a long and meritorious record of service of nine years in the district, and this record spoke for itself. I stated there was no hint of any reason or motivation for me to be a party to any deception of conduct and that all the observations involved had actually occurred and were followed by a proper conference, and further that I had checked back on many of my old lesson plans and could identify and recall most of the observations quite clearly. Finally, that I failed to understand why the evaluation form dated April 20, 1975, was not cited in Wallen's letter to me unless it was due to the presence of an adult in my room, a fact which I had already pointed out to the defendant Wallen. (See Exhibit "III" annexed to the Complaint herein, which is annexed hereto as Exhibit "A".)

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44. Hines stated that the letter of stated reasons from Wallen was very strong and serious in nature and that Wallen must have had a good reason for feeling the way he did. Further, that Hines resented being placed in the position that he was regarding this matter. He stated that he hoped Newcomb, Dillon, Gentile and the Union would find a way out of this crisis. Newcomb and Dillon pointed out that it was well-established that evaluations of my work had always been favorable. I showed Hines an old error made by Mr. Rice, the Principal of the Terryville school in my file, and questioned why I had never been disciplined or informed of an error with respect to his evaluation. We also showed Hines photocopies of several pages of lesson plan books which indicated the corresponding lesson plans cited in the observation.

45. Hines questioned me about being able to continue in the district; I stated that there was no problem and suggested that we would be willing to cooperate in any way to effect a fair and early resolution of the matter without embarrassment to defendant Wallen. Hines admitted he had been receiving a number of letters and calls on my behalf from many quarters including the general public and parents.

46. Some time in late March or early April, 1975, defendant Louis Weinerman, a member of the Board of Educa-

tion, called my home. He stated that he was aware that my appointment was in jeopardy. He informed me that the Board was planning to meet with Johnson and that they anticipated he would resign when confronted with the possible charges against him. He alluded to the probability that Johnson would acquiesce when he realized that my own professional reputation and career were at stake. He mentioned Johnson's supposed drinking problem.

47. A week or two later Weinerman and I spoke again. I called him in an attempt to learn what was happening and to solicit his aid if possible. He expressed his disappointment in me. I asked him what the Board had been told by the defendant Wallen. He indicated that Wallen had reported that I had admitted to him signing evaluation forms knowledgeable of the fact that they were misdated. I told Weinerman that that was not true and was an outrageous lie. He informed me that Wallen had presented to the Board the set of three totally complete evaluation forms prepared by Johnson and signed by us both, and that that certainly didn't look good.

48. On or about June 3, 1975, I received a letter of dismissal from defendant Hines.

49. On or about June 4, 1975, I sent a letter of request of stated reasons for said determination from Hines,

and on or about June 12, 1975, I received Hines' letter citing reasons for the dismissal. (These letters are all annexed to the complaint herein (Exhibit A, Complaint Exhibits "IV", "V" and "VI"). I submitted a reply on June 26.

50. On or about July 21, 1975, at a regular meeting of the Board of Education, the Board voted unanimously to accept defendant Hines' recommendation to deny my appointment to tenure. This vote was taken following a very limited public discussion. Many people spoke and tried to speak in support of me. A petition with about 700 signatures requesting my reinstatement was presented to the Board.

51. On or about October 20, 1975, I had a conversation with Edris Clark, a member of the Board of Education, through June 30, 1975. She recalls that a closed meeting on or about March 27, 1975 during preparation of the agenda for the coming regular meeting. She asked Wallen if there were any teachers he was not recommending for tenure this year, and he replied yes, Mrs. Gentile. According to Clark, Wallen presented three teacher evaluation forms including carbon copies. He noted that the dates were in error. She stated that the Board thereby assumed that these forms represented observations which never occurred. The Board members voted on these forms on the basis of charges to be made against Johnson. Clark claimed that the Board members' concern was in limiting the charges against Johnson to

those involving evaluation form errors to exclusion of his alleged drinking problems or other misconduct.

52. It is obvious that defendants' acts have a stigmatizing effect on me; one which is debilitating to my reputation in the community, which additionally serves to foreclose any opportunity I might have to seek employment elsewhere in the geographic vicinity. Moreover, publication of the facts involved certainly apprised anyone who reads the newspapers of this controversy of the defendants' charges against me.

53. During this past summer I applied for unemployment compensation with the New York State Department of Labor, Division of Employment. Pursuant to State Laws and Regulations the Unemployment Insurance Examiner who interviewed me contacted defendants. Defendants contended that I had been terminated for cause and was not entitled to unemployment benefits. I was told by the Unemployment Insurance Examiner that based upon the statements of the defendants I would not be able to collect unemployment benefits. I then stated that I desired to appeal the decision denying me the benefits; however, I later received a telephone call from the Examiner who told me that defendants never submitted documentary evidence to substantiate their claims that I was dismissed for cause.

54. The defendants had a full and fair opportunity to

litigate this issue, and by their conduct indicated that they did not feel they could substantiate their claims, although, verbally, they had sought to transmit poisonous, empty allegations against me in order to deny to me economic benefits. Not only is this conduct evidence of malice, but I feel that the defendants herein should be estopped from claiming that I was dismissed for cause after attempting to assert that contention in another forum, and failing to substantiate their claim.

55. During April, May and June of 1975, several of the students indicated that they had heard I was fired and asked me about it. I particularly remember a student, Jon Olafsson, saying: "I heard you were fired" in front of the whole class. Naturally, this was extremely disquieting and upsetting to me.

56. On or about July 19, 1975, I attended a neighborhood block party. Many people mentioned that they read about my problems with the School District and in newspapers. Among them were Sue Smith, Pat McMullen, Jane Weber, Eileen Coen, Daxia Cops and a Mrs. Jean Grosskoph.

57. On or about July 5, 1975, at a party given by Mr. and Mrs. Gudzik of Lowell Place, Port Jefferson, again several people made mention of the matter including: Charlie

and Virginia Vollet, Richard Braack and Mrs. Ronnie Vincent.

58. Some time in July 1975, I had occasion to go to the home of Mr. and Mrs. Melvin Mart; both of them mentioned reading about me in Newsday, one of the largest daily newspapers in the United States.

59. During July, at the Harbor Hills Country Club Tennis Courts various people mentioned this matter including Joan McKool, and Marcia Tooker.

60. In and about July and August 1975, at the Port Jefferson Village Beach Karen Fratello and Jane Smith inquired about my problem with the school district. In August 1975, a counselor at the Hyacinth Summer Camp, one Fran Whitman, mentioned my problems and termination to my son, Andrew, age 8. This was extremely upsetting and distressing to me. In or about September, 1975, at a meeting of the Stonybrook Chamber Orchestra, an individual with the first name of Lee, also asked me about my problem.

61. On or about October 14, 1975, in a local bank, one Betty Colombo, asked me if I had straightened out my problems with the school district and if I was working there or anywhere else. I have been subjected to still further comment about the defendants' allegations against me. On April 1, 1976, Mrs. Shirley Cherches questioned me at a shop called

Inn Stitches. Last September, Anita Spencer mentioned reading an article about the incident in the Daily News. On April 3, 1976, Fred Levine asked me about the status of my situation at a local cub scout dinner.

62. The Port Jefferson Record of Thursday, October 30, 1975, on page 2 thereof, carried a story, a copy of which is annexed. The story involved the finding that Robert Johnson, the Principal in my school, had been found guilty of deliberately falsifying my observations by misdating them. The article states in part:

> "The five charges center on Johnson allegedly falsifying teacher evaluation forms of former third grade teacher Gladys Gentile by misdating them. Gentile was denied tenure by the school board on the recommendation of District Principal John W. Wallen, who claimed Gentile had participated in the falsification."

A copy of the newspaper article is annexed hereto as Exhibit "H".

63. Upon information and belief, a further article appeared in Newsday around the end of October of 1975, a copy of which is annexed hereto as Exhibit "I". The article was written by one Amanda Harris. I quote from the article as follows:

> "Mrs. Gentile was fired last May because she had been denied tenure on the ground that she signed the forms knowing

they were misdated."

A copy of the Charges that were filed against Johnson by the School District which involved alleged wrong-doing by myself are annexed hereto as Exhibit "J". While Johnson was given the opportunity to appear and refute said charges, I was never given such an opportunity and was terminated in violation of my liberty interests.

64. On Tuesday, September 16, 1975, the New York Daily News carried a further article, a copy of which is annexed hereto as Exhibit "K". Therefore, the unproven allegations against me had more than a regional impact.

65. There is no question that my reputation in the community was stigmatized, that I was subjected to comments, that there was significant publication of the wrong-doing without an opportunity on my part to refute it, and that the defendants herein had an ample opportunity to provide me with a hearing. Defendants consulted counsel as noted in the complaint, and in my affidavit, and had the advice of counsel available to them at all times. Moreover, there can be no question that counsel, one Frederick Block, Esq., is aware of the decisions involving the right of public employees to due process hearings, since he handled civil liberties and civil rights litigation in the public employment area.

66. Throughout the summer and fall of 1975, I sent letters of application to school Districts located in my im-

mediate geographic area in Suffolk County, and even in other districts in Suffolk and Nassau Counties. I received some responses, which are annexed hereto as Exhibit "L", 1-16. I also received formal applications from these districts and transmitted them back to the District, some of which are annexed hereto as Exhibit "M", 1-22. It will be noted that each and every application requires me to set forth all the places in which I was employed as a teacher, including the defendant School Board. It can be reasonably assumed that any District seriously concerned with employing me would contact defendants to discover my abilities and my employment history at that District. Moreover, I am required to set forth the names of my supervisors in many of these applications, and the Court will note, I am also required to give a reason for leaving some of those districts and whether or not in some of those applications I was denied tenure I am thus put in a position of "being between the devil and the deep blue sea", in that if I don't provide these names, there will be a question raised as to why they have not been provided, but if I do, then the defendants claim of my wrongdoing would be communicated to any District to which I applied or may apply should they determine that they would be interested in my services.

67. Therefore, the Court can see that for many reasons, I should be granted injunctive relief. First, because I have been foreclosed by the allegations raised against me for pursuing my career as a teacher, and secondly, I am being inflicted daily with the humiliation of having been terminated for alleged wrong-doing, and this alleged wrong-doing has been publicized throughout the community. In fact, my children and my family have been subjected to it. Finally, of course, there is the economic deprivition which has stemmed from my unemployment.

WHEREFORE, I respectfully pray that this Court issue a preliminary injunction ordering the defendants herein, to reinstate me to my position with full back pay and benefits retroactive to June 30, 1975, pending a full due process hearing of the allegations made against me by the defendants, together with such other and further relief as the Court may deem just, proper and equitable.

Gladys Gentile
GLADYS GENTILE

Sworn to before me this
day of , 1976.

Notary Public

Exhibit A, Annexed to Affidavit of Gladys Gentile
Summons

UNITED STATES DISTRICT COURT
For the
EASTERN DISTRICT OF NEW YORK

GLADYS GENTILE,

Plaintiff,

-against-

JOHN WALLEN, individually and as District Principal of the Comsewogue School District, JAMES HINES, individually and as Superintendent of Schools of Supervisory District #2, Town of Brookhaven, BOARD OF EDUCATION, COMSEWOGUE SCHOOL DISTRICT, FRANK D'ADDARIO, individually and as a member of the Board of Education, JEROME FLESCHER, individually and as a member of the Board of Education, ARTHUR S. HOWARD, individually and as a member of the Board of Education, PETER SAPIENZA, individually and as a member of the Board of Education, LEWIS WEINERMAN, individually and as a member of the Board of Education, PAUL S. ALLEN, individually and as a member of the Board of Education, ROSELLA DREYER, individually and as a member of the Board of Education, WALDEMOR SILLS, individually and as a member of the Board of Education, STUART PORTER, JR., individually and as a member of the Board of Education, JOSEPH BUSA, individually and as a member of the Board of Education, LAWRENCE PANNULLO, individually and as a member of the Board of Education, RICHARD AHKAO, individually and as a member of the Board of Education, CHARLES STROPOLI, individually and as a member of the Board of Education, WILLIAM P. MARTIN, individually and as a member of the Board of Education,

Defendants.

SUMMONS

76 Civ.

TO THE ABOVE-NAMED DEFENDANTS:

YOU ARE HEREBY SUMMONED and required to serve upon JAMES R. SANDNER, ESQ., plaintiff's attorney, whose address is 260 Park Avenue South, New York, New York 10010, an answer to the complaint which is herewith served upon you, within twenty (20) days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the complaint.

S/ ______________________
CLERK OF COURT

S/ ______________________
DEPUTY CLERK

Dated: May 19, 1976

Note: This summons is issued pursuant to Rule 4 of the Federal Rules of Civil Procedure.

EXHIBIT A

Exhibit A Annexed to Affadavit
Complaint

UNITED STATES DISTRICT COURT
For the
EASTERN DISTRICT OF NEW YORK

GLADYS GENTILE,

Plaintiff,

JURY TRIAL DEMANDED

-against-

JOHN WALLEN, individually and as District Principal of the Comsewogue School District, JAMES HINES, individually and as Superintendent of Schools of Supervisory District #2, Town of Brookhaven, BOARD OF EDUCATION, COMSEWOGUE SCHOOL DISTRICT, FRANK D'ADDARIO, individually and as a member of the Board of Education, JEROME FLESCHER, individually and as a member of the Board of Education, ARTHUR S. HOWARD, individually and as a member of the Board of Education, PETER SAPIENZA, individually and as a member of the Board of Education, LEWIS WEINERMAN, individually and as a member of the Board of Education, PAUL S. ALLEN, individually and as a member of the Board of Education, ROSELLA DREYER, individually and as a member of the Board of Education, WALDEMOR SILLS, individually and as a member of the Board of Education, STUART PORTER, JR., individually and as a member of the Board of Education, JOSEPH BUSA, individually and as a member of the Board of Education, LAWRENCE PANNULLO, individually and as a member of the Board of Education, RICHARD AHKAO, individually and as a member of the Board of Education, CHARLES STROPOLI, individually and as a member of the Board of Education, WILLIAM P. MARTIN, individually and as a member of the Board of Education,

Defendants.

COMPLAINT

76 Civ.

Plaintiff, by her attorneys, JAMES R. SANDNER, DAVID N. STEIN, of counsel, for her complaint, respectfully alleges to this Court that:

JURISDICTION

1. This action is brought for declaratory judgment, injunctive relief and damages pursuant to 42 USC §1981, 1983 and 1985, and the Fourteenth Amendment of the United States Constitution and the laws of the United States of America.

2. Jurisdiction is founded upon 28 USC 1331(a), 1343(3) and (4), and the Fourteenth Amendment to the United States Constitution. Declaratory and injunctive relief is authorized pursuant to 28 USC 2201 and 2202 and FRCP 57.

3. The amount in controversy, exclusive of interests and costs, exceeds ten thousand dollars and the cause of action arose under the laws and Constitution of the United States.

4. The claim arose in the Eastern District of New York.

5. The Court has jurisdiction over Counts VI, IX, X, and XI under the doctrine of pendent jurisdiction.

PARTIES

6. Plaintiff, GLADYS GENTILE, is a United States citizen. At all times material herein, plaintiff was a resident of the State of New York. Plaintiff was employed as a teacher in the Comsewogue School District, Town of Brookhaven, Suffolk County, Long Island, New York, until June 30, 1975. Plaintiff holds State Certification as a teacher of elementary education.

7. Defendant JOHN WALLEN is the District Principal of the Comsewogue School District, and, as such, is the Chief Executive Officer of the District. Among his responsibilities, pursuant to the Education Law of the State of New York, is to make a written report to the Board of Education recommending or not recommending for tenure and permanent appointment, probationary teachers who have completed their probationary period of appointment. Defendant Wallen also has the power and duty to recommend to defendant Board of Education (Board) whether teachers employed in the Comsewogue District (District) receive maternity or child care leave. Defendant Wallen also has the power and duty to promulgate minimum education standards and curriculum requirements for all schools and programs throughout the District and to promulgate rules and regulations necessary to accomplish

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the purpose of the Education Law within the District. He has the power and authority to promulgate minimum education and experience requirements for all teaching and supervisory service positions.

8. Defendant JAMES HINES is the Superintendent of Supervisory District #2 of the Town of Brookhaven, and has as his power and duty the general supervision of the School Districts and personnel within the several school districts of the Supervisory District, including the Comsewogue District. Defendant Hines also has, from time to time, made recommendations to Boards within the Supervisory District as to the employment, granting of tenured or permanent status, or termination of service of probationary teachers in the Supervisory District, including the Comsewogue District.

9. Defendants FRANK D'ADDARIO, JEROME FLESCHER, ARTHUR S. HOWARD, LEWIS WEINERMAN, PAUL ALLEN, ROSELLA DREYER and PETER SAPIENZA are members of the Board of Education of the District. The Board has among its manifold powers, duties and responsibilities the right to employ and discharge teachers employed in the District. It also has the power, duty and responsibility to grant or deny tenure or permanent status to probationary teachers employed in the District. The Board may also grant maternity and/or child care leave to teachers employed in the District. Defendants WALDEMOR SILLS, JOSEPH BUSA, LAWRENCE PANNULLO, RICHARD AHKAO, CHARLES

STROPOLI and WILLIAM MARTIN were members of the defendant Board in or about July 1970.

FACTUAL ALLEGATIONS

10. In or about September 1962, plaintiff was initially employed in the Comsewogue School District at the Comsewogue Elementary School and served therein as a kindergarten teacher.

11. In Spring of 1965, the defendant Board of Education appointed plaintiff to a permanent or tenured position in the District.

12. Plaintiff continued as a tenured employee of defendant until June 1966.

13. In June 1966, plaintiff requested and was granted a leave of absence for personal and medical reasons for the 1966-67 school year.

14. In the Spring of 1967, the principal of the Comsewogue Elementary School contacted plaintiff and inquired about her status for the 1967-68 school year.

15. Johnson informed plaintiff that the defendant Board would not continue her leave and that she either had to return to work in September 1967 or resign.

16. Plaintiff then resigned.

17. On February 23, 1968, the defendant Board employed plaintiff as a part-time music teacher at the Comsewogue Elementary School until June 30, 1968. Defendant Board solicited plaintiff for the position.

18. In or about September 1968, defendant Board appointed plaintiff as a teacher in the Comsewogue Elementary School. Plaintiff served in the position of kindergarten teacher.

19. In the Spring of 1969, the defendant Board decided to close the Comsewogue School for renovation during the 1969-70 school year..

20. The building principal Johnson informed plaintiff that she would be reassigned to the Terryville Elementary School for the 1969-70 school year as a second grade teacher.

21. In July 1970, plaintiff requested that the defendant Board grant her maternity leave in order to care for a baby child which she and her husband were adopting.

22. However, in or about July 1970, defendant Waldemor Sills telephoned plaintiff several times to discuss the circumstances of plaintiff's request for a maternity leave.

24. Sills assured plaintiff he would do everything possible to arrange said leave. He advised plaintiff that she was most deserving of such leaves and that plaintiff not worry about the matter since he was confident that something could be arranged.

25. There was no further contact between plaintiff

and any of the defendants herein at that time.

26. On or about June 27, 1972, plaintiff met with defendant Wallen.

27. Defendant Wallen offered plaintiff a teaching position in the District as a second grade teacher in the Comsewogue Elementary School

28. Plaintiff was to be credited with her years of employment in the District and placed on an appropriate step in the salary schedule reflective of that service.

29. Plaintiff agreed to defendant Wallen's offer and was duly reappointed by the defendant Board.

30. In or about 1972, plaintiff rejoined the Comsewogue Elementary School staff and was assigned to grade 2.

31. Plaintiff had no problems with the supervisor Johnson or defendant Wallen, or indeed anyone else until March 21, 1975. During this entire period of time, and indeed subsequent thereto, plaintiff rendered exemplary service in her position as a teacher in the Comsewogue Elementary School.

32. On or about March 20, 1975, the principal Johnson observed a mathematics lesson taught by plaintiff.

33. Johnson asked plaintiff to report to his office for a post-observation conference that day.

34. Plaintiff complied with these instructions.

35. At the meeting Johnson and plaintiff discussed the observation.

36. Johnson also told plaintiff that all evaluations and his recommendation regarding plaintiff's appointment to tenure were due in defendant Wallen's office the next morning.

37. Johnson further stated he would make a very strong positive recommendation that plaintiff be granted tenure and that he felt that due to plaintiff's length of service in the defendant District the whole matter was academic.

38. Johnson told plaintiff that upon checking his own file that he found that three of his observations of plaintiff were sloppy and he had found it necessary to have them retyped.

39.- He asked plaintiff to sign the retyped observations.

40. Plaintiff read each one and found the content to be accurate to the best of her recollection.

41. Plaintiff, however, had no independent record of the observations and no recollection of the exact date of their occurrence.

42. Johnson pressed plaintiff to execute the forms.

43. Plaintiff had no reason to conclude that there was anything amiss or improper with the forms since she recalled that the observations and follow-up conferences had been held each year from 1972-75.

44. Plaintiff's conference time had elapsed and her class was waiting, so she executed the forms at Mr. Johnson's request.

45. On or about March 21, 1975, an urgent message was brought to plaintiff's classroom to the effect that a serious problem had developed regarding defendant Wallen's favorable recommendation to the defendant Board and defendant Hines that plaintiff be granted tenure.

46. Wallen made an appointment with plaintiff for 4:00 p.m.

47. Plaintiff met with defendant Wallen.

48. Defendant Wallen held up three sets of evaluation forms and asked plaintiff to verify her signature on each form. Plaintiff identified the signatures of her own. However, she said that with respect to at least one of the forms that she had not placed the date next to her signature.

49. Defendant Wallen told plaintiff that the evaluations were incorrect noting that the date of April 20, 1975 which was on the March 20th evaluation was still a month

in the future. On November 14, 1974, plaintiff had reported ill and November 16, 1974 was a Saturday, and May 16, 1973 Johnson had reported ill and on June 12, 1973 plaintiff had reported ill. Defendant Wallen stated that it was impossible that observations could have been made on said dates.

50. The plaintiff stated that she knew nothing about these errors and had absolutely no idea how such errors could have occurred.

51. Defendant Wallen said that he spent virtually the entire day digging into the files from the Comsewogue School and had found many other such discrepencies and that many other people could very well find themselves in trouble. He expressed great distress and disgust with the entire situation. Wallen asked what is going on over there and told plaintiff that principal Johnson had barely, just short of insubordination, met his deadline in handing the materials requested of him regarding plaintiff's recommendation.

52. Plaintiff told Wallen at the most recent conference with Johnson that plaintiff had been presented with three observation forms from the file and had been asked to sign them which she had done. Plaintiff told Wallen that Johnson's apparent oversight in this matter had upset her and she felt uncomfortable about it. She nevertheless felt compelled to sign them in order for Johnson to complete her file and

recommendation for tenure. Plaintiff stated that she was certain that all the appropriate observations and conferences had been done during the past three years, and that these evaluations definitely appeared to be accurate. Plaintiff stated that she relied on the contents of the evaluation, and she had absolutely no reason to be suspicious of or to question the date.

53. Wallen stated there was no excuse for plaintiff's signing the evaluations and stated that the evaluations were much too favorable and there must be some room for improvement in anyone's performance. Wallen expressed his dissatisfaction with plaintiff and she understandably became upset about the matter.

54. Wallen stated that if he had to make a recommendation concerning plaintiff's tenure at that moment it would be negative and that he would postpone that decision. He then told plaintiff that she should consider this matter very carefully over the weekend and that she might come in again Monday morning with any suggestions she might have relevant to the matter or to tell him anything pertinent at that time. He also stated "This looks to me like collusion, a conspiracy to defraud the District" and "How

would this look on plaintiff's record" if she tried for a position elsewhere. He indicated that this would become a part of plaintiff's personnel record. He stated "Did you know that becoming a party to fraud is a criminal offense?" Wallen closed with the advisement that any decision regarding plaintiff's future employment in the District would come directly from himself and no one else and also that once his decision was made it would be irrevocably final.

55. Plaintiff was stunned and shocked by defendant Wallen's statement.

56. After the meeting, plaintiff spoke with Mr. Johnson at home and gave him an account of what had happened and asked him what was going on. Johnson told plaintiff that Wallen had periodically tried to pressure him into re-signing and that this sounded like another one of these instances directed toward getting rid of him and he regretted that plaintiff had been caught in the middle.

57. Plaintiff, at Wallen's suggestion, make an appointment to see him on the following Monday, March 24, 1975, at 10:30 in the morning. Plaintiff told Wallen that she had considered the entire matter very carefully over the weekend and was shocked by the principal's carelessness misdating his paperwork, but in any event (1) there was absolutely no

intent on her part to defraud the District or collude with Johnson. She had signed the evaluation in good faith believing them to be accurate. (2) She was absolutely certain that all observations had been properly completed and post-observation conferences held in each and every instance. (3) That she had absolutely no reason to believe that the forms presented to her by Johnson were in any way falsified or inaccurate, but instead that she had relied upon the principal's word that they were, indeed, accurate. The content was, of course, a matter of concern to her, and in each and every case the content was completely consistent with her recollection of all evaluations. (4) That under Johnson's supervision as the principal for many years, she had had no reason to question him, check his work, or to doubt his integrity. (5) That she could not be induced to enter into any misconduct for Johnson or anyone else's benefit even if it had been suggested, which it was not.

58. Wallen questioned plaintiff about what she meant by observations and questioned the conferences, what did plaintiff and Johnson discuss, how long did the conferences take, and so forth. Wallen told plaintiff he was waiting for a return call from defendant Superintendent Hines about this situation, that he had contacted the School District

attorney Mr. Block regarding this, and that he would seek guidance from the Board about this matter. He also said that he would not like this to get out and reiterated how bad it would look on plaintiff's record if she sought employment elsewhere.

59. Plaintiff told defendant Wallen that she understood the situation and pointed out that her reputation was well-known and that she was not the type of person who would get involved in this type of situation.

60. Defendant Wallen stated that his personal feelings might be quite contrary to what he had to do professionally in this matter. He said "You must understand that I cannot pursue the investigation and action in this matter of only one of the parties involved, but both of them." He said that because of the situation, he could not recommend plaintiff for tenure at that time. Wallen added that "it was just possible for one of the parties involved to come out untouched and he personally hoped it would be me." Plaintiff suggested that defendant Wallen speak to Johnson about this and ascertain what had happened.

61. Wallen became angry. He looked at plaintiff and said, "You know what I think? Do you know what I really think? My gut feeling is that these observations never took place at all. I wasn't going to tell you this but I'm going to anyway. I am totally disgusted with everyone in the entire

Comsewogue School, from top to bottom. Secretaries, aides, principal, custodian, teachers, everyone - that whole place is the most disgusting sloppy operation with everyone covering up for everyone else - it's just one big coverup and I intend to clean it out however and whatever it takes."

62. Plaintiff reiterated her position. She denied having entered into any plot. Further, of any of the people involved in this, that plaintiff was the only vulnerable one and had everything to lose by any improper action. Whereas, the principal was more secure in his job. Wallen interrupted saying, don't be too sure of that. Maybe Johnson is not so secure after all.

63. Plaintiff was very upset and disturbed by this meeting.

64. On or about April 3, 1975, plaintiff received a memorandum from defendant Wallen (dated April 1) informing her that he would not recommend her for tenure. (Annexed as Exhibit I) Plaintiff then, by letter of April 4, 1975, requested the reasons for defendant Wallen's unfavorable determination (annexed as Exhibit II). Defendant Wallen, by letter dated April 10 (annexed as Exhibit III) stated that his unfavorable determination was made "in light of your (plaintiff's) deceptive practices you had become a party to."

65. On or about April 16, 1975, defendant District

served notice of tenure charges against principal Robert J. Johnson. Said charges allege, inter alia that plaintiff had engaged in a conspiracy with Johnson to falsify certain records. These charges are annexed hereto as Exhibit IV.

66. On or about April 14, 1975, Johnson had been suspended from his position with pay as principal and moved to other quarters.

67. Johnson told plaintiff that on or about March 24, he had been called into Wallen's office. Present at that time were Donald McKiven and Robert Noska, two assistant administrators. Johnson, at that time, was given the option by defendant Wallen of resigning or being brought up on charges based on the evaluation form errors. Johnson stated that Wallen repeatedly threatened not to recommend Gentile for tenure unless Wallen resigned.

68. On or about May 8, 1975, a delegation of plaintiff's students' parents had a meeting with Superintendent Hines concerning plaintiff, and said parents expressed unqualified support of plaintiff.

69. On or about May 15, 1975, plaintiff had a meeting with Superintendent Hines. Present at that time were

Christopher Dillon, President of the Union, and Richard Newcomb, a New York State United Teachers Field Representative. At that time the plaintiff, Newcomb and Dillon presented the facts of the matter to defendant Hines in an attempt to gain Hines' intervention on plaintiff's behalf. Plaintiff stated that her record of performance spoke for itself, that there was no reason or motivation for her to be a party to any deception or misconduct, that she was absolutely certain that all observations had been made and followed by a conference.

70. Hines stated that defendant Wallen's letter recommending that plaintiff not be granted tenure was very strong and serious in nature, and that Wallen must have had good reason for feeling the way that he did. On or about June 3, 1975, plaintiff received a letter of dismissal from defendant Hines.

71. On or about June 12, 1975, plaintiff received a letter from defendant Hines citing reasons for plaintiff's dismissal, a copy of which is annexed hereto as Exhibit V. On or about June 26, 1975, plaintiff filed a response to said letter with the District Clerk of defendant School Board (annexed hereto as Exhibit VI). On or about July 21,

1975, the defendant Board of Education voted unanimously to accept Hines' recommendation to deny plaintiff's appointment to tenure. This vote was taken following a public discussion. Petitions were presented requesting plaintiff's reinstatement.

72. On or about October 20, 1975, Edris Clark, a Board of Education member, had a conversation with plaintiff. Edris stated that at a closed meeting probably held on or about March 25, 1975, to prepare the agenda for the coming public board meeting, she asked Wallen if there were any teachers he was not recommending for tenure and he replied, yes, Mrs. Gentile. According to Mrs. Clark, Wallen presented three teacher evaluation forms of which all three carbons were attached and noted that the dates were in error. Clark expressed the opinion that the Board had assumed that these forms represented falsified observations which never had, in fact, occurred. Clark further stated that the Board members voted on these forms as the basis of charges to be made against Johnson. He stated that the Board members' concern was to limit the charges against Johnson to those involving the evaluation form errors to the exclusion of other charges which had been under discussion (i.e., drinking and misconduct).

73. Defendants by their illegal acts have caused the plaintiff to be humiliated, embarrassed, subjected to negative public opinion, obloquy and opprobrium and foreclosed plaintiff from pursuing her profession and so stigmatized her as to preclude any future employment.

74. Defendants caused publication of the within controversy in local papers and in Newsday.

75. During April, May and June, 1975, many of her pupils mentioned the fact of her termination to plaintiff.

76. During July, August, September and October, 1975, several adults asked plaintiff about the incident and mentioned to her that they had read about it in the papers.

77. Upon information and belief, in or about July 1975, plaintiff applied for unemployment compensation with the New York State Department of Labor, Division of Employment.

78. Pursuant to State law and regulation, the Unemployment Insurance Division of the Division of Employment contacted defendants who contended plaintiff had been terminated for cause.

79. Based upon said information, plaintiff was told she was to be denied unemployment benefits.

80. Plaintiff stated that she would appeal.

81. Upon information and belief an appeal hearing was

scheduled.

82. Defendants did not substantiate their claim that plaintiff was dismissed with documentary evidence.

83. Defendants' claim that plaintiff had been dismissed for cause was not substantiated and plaintiff was granted unemployment insurance benefits.

84. Defendants' conduct is evidence against interest and further defendants are estopped from pleading and proving plaintiff was dismissed for cause.

COUNT I

85. Plaintiff has a liberty interest which defendants have violated in contravention of the Fourteenth Amendment to the United States Constitution and 42 USC §1981, 1983 and 1985.

86. Plaintiff has made many attempts to seek permanent employment as a teacher elsewhere, albeit unsuccessfully.

87. Many of the applications for employment as a teacher in the public schools in Suffolk and Nassau Counties, New York, require the applicant to explain why she was denied tenure or not reappointed in a District.

88. Moreover, the present employment climate for teachers virtually insures that a teacher who is denied

tenure or not reappointed in a District will be unable to obtain employment as a teacher.

89. Defendants have violated plaintiff's Fourteenth Amendment rights by terminating her without due process of law.

COUNT II

90. Plaintiff realleges paragraphs "1" through "84."

91. Plaintiff was a tenured teacher in the employ of the defendant School Board.

92. As such, plaintiff had a property interest in her position under the Fourteenth Amendment to the United States Constitution and could not be terminated without due process of law.

93. Defendants have terminated plaintiff without such a hearing and in violation of the Fourteenth Amendment of the United States Constitution and 42 USC 1981, 1983 and 1985.

COUNT III

94. Plaintiff realleges paragraphs "1" through "84" above.

95. Plaintiff was denied equal protection of the laws when the defendants did not grant her a leave to care for

her adopted baby in July 1970.

96. Had plaintiff been accorded such status, she would have become tenured in June 1973 and could not be dismissed without a due process hearing.

COUNT IV

97. Plaintiff realleges paragraphs "1" through "84" above.

98. Defendants, by their acts, have conferred upon plaintiff tenure by estoppel.

99. Plaintiff, under the laws of the State of New York and the Fourteenth Amendment to the United States Constitution, cannot be dismissed prior to a due process hearing.

100. Defendants have terminated plaintiff without such a hearing and have violated plaintiff's statutory and constitutional rights.

COUNT V

101. Plaintiff realleges paragraphs "1" through "8 " above.

102. The collective bargaining agreement between the Port Jefferson Station Teachers Association and the defendant School Board provides in pertinent part:

> ### ARTICLE IV
>
> ### TENURE
>
> In cases where non-tenured employees services are not required beyond June 30 of a particular year, they will be notified, in writing, no later than

> ninety (90) days in advance of that date. Failure to render such notification shall result in the granting of tenure by default. Every effort will be made by the District Principal to give greater notification where possible. (Exhibit VII, annexed hereto)

103. Defendants failed to give plaintiff timely notice as provided by Article IV of the collective bargaining agreement.

104. Plaintiff therefore was granted tenure by contractual default.

105. Defendant terminated plaintiff, a tenured employee, without a due process hearing in violation of her due process rights under the Fourteenth Amendment to the United States Constitution.

106. Plaintiff has been damaged by defendants' actions in the amount of lost earnings since June 30, 1975 plus future earnings for the rest of her life.

COUNT VI

107. Plaintiff repeats and realleges paragraphs "1" through "106" above.

108. Plaintiff was terminated in violation of Article IV of the collective bargaining agreement as noted in paragraph 102 above.

109. Plaintiff, by defendants' delay, was damaged in that she was denied the notice required in the agreement and

was thus denied sufficient opportunity to obtain alternate employment. Plaintiff is, at least, entitled to teach an additional year as a probationer on account of said contract violation.

COUNT VII

110. Plaintiff repeats and realleges paragraphs "1" through "109" above.

111. Defendants knew or should have known that by their actions above they were violating plaintiff's constitutional rights.

112. Upon information and belief, at all times material herein, defendants had access to advice of counsel and in fact did avail themselves of said advice with respect to the events alleged herein.

COUNT VIII

113. Plaintiff realleges paragraphs "1" through "105" above.

114. Defendants deliberately, knowingly, maliciously and/or with gross negligence, violated plaintiff's constitutional rights.

115. Defendants are therefore individually and personally liable for their unlawful acts above.

COUNT IX

116. Plaintiff realleges paragraphs "1" through "84" above.

116. Defendants by their acts have tortiously defamed plaintiff.

COUNT X

118. Plaintiff realleges paragraphs "1" through "84" above.

119. Defendants by their unlawful acts have interfered with plaintiff's right of contract and professional reputation.

COUNT XI

120. Plaintiff realleges paragraphs "1" through "84" above.

121. Defendants by their acts above intentionally inflicted mental distress upon plaintiff.

WHEREFORE, plaintiff prays for relief as follows:

(A) Iussuance of a preliminary and permanent injunction ordering defendants and their representatives, agents, employees and successors to reinstate plaintiff as an elementary school teacher in the defendant School District with full back pay and benefits nunc pro tunc to June 30, 1975.

(B) Entry of a judgment declaring that defendants, by their actions herein, have violated plaintiff's constitutional rights and awarding plaintiff compensation for damage to her reputation in the community, libel, slander, interference with contract and interference with plaintiff's right to pursue her chosen profession, and intentional infliction of mental distress and suffering in the amount of $1 million dollars plus costs, disbursements and attorneys' fees.

(C) Preliminarily and permanently enjoining defendants or their agents from again terminating plaintiff without a due process hearing.

(D) Entry of a judgment against the defendants declaring that defendants, by their actions herein, have violated plaintiff's constitutional rights and ordering plaintiff's immediate reinstatement with full compensation and benefits retroactive to June 30, 1975 and awarding plaintiff compensation for defendants' willful and malicious negligence in terminating her in violation of her rights and for defendants' damage to plaintiff's reputation in the community, for defendants' libel, slander, and defamation of plaintiff, for defendants' interference with plaintiff's right of contract and right to pursue her chosen profession and for defendants' intentional infliction of mental distress upon plaintiff in the amount of $1 million dollars plus attorneys' fees and costs, and for maliciously, intentionally knowingly and/or with gross negligence violating plaintiff's constitutional rights, punitive damages in the amount of $1 million.

(E) Entry of a judgment against defendants declaring that plaintiff is a tenured, non-probationary employee within the meaning of the Education Law of the State of New York, and providing plaintiff with such other and further relief as the Court may deem just, proper and equitable.

JAMES R. SANDNER
Attorney for Plaintiff
Office and P.O. Address
260 Park Avenue South
New York, New York 10010
212-533-6300

DAVID N. STEIN,
Of Counsel.

Exhibit I Annexed to Complaint Annexed to Affidavit
Memorandum to Gladys Gentile re. Tenure

Received on April 1, 1975
2:40 p.m. [illegible]

COMSEWOGUE SCHOOL DISTRICT
Port Jefferson Station, New York

MEMORANDUM

TO: Gladys Gentile - Comsewogue Elementary School

FROM: John W. Wallen, District Principal

DATE: April 1, 1975

RE: Tenure

I am writing to advise you that I will not recommend you for tenure as an elementary classroom teacher in the Comsewogue School District at the conclusion of your probationary period.

I am giving you this advance notice so that you can make plans for next year.

JWW/pn

EXHIBIT I

BEST COPY AVAILABLE

Exhibit II, Annexed to Complaint, Annexed to Affidavit
Plaintiff's Letter of April 4, 1975

102 Jefferson Avenue
Port Jefferson, N. Y.
April 7, 1975

John W. Wallen, District Principal
Comsewogue School District
Port Jefferson Station, N.Y.

Dear Mr. Wallen:

I hereby request the reason(s) for your refusal to recommend me for tenure as an elementary classroom teacher in the Comsewogue School District.

Further, at which date do you propose to notify the Board of Education of Comsewogue School District of your decision not to recommend me for tenure?

Yours truly,
Gladys N. Gentile

Gladys N. Gentile

EXHIBIT II

Exhibit III Annexed to Complaint Annexed to Affidavit
Letter to Gladys Gentile from John Wallen

Comsewogue School District

DISTRICT OFFICE
400 JAYNE BLVD.
PORT JEFFERSON STATION, NEW YORK 11776
Area Code 516 473-8100

JOHN W. WALLEN
DISTRICT PRINCIPAL

April 10, 1975

Mrs. Gladys Gentile
102 Jefferson Ave.
Port Jefferson, New York 11777

Dear Mrs. Gentile:

In response to your letter of April 7, 1975, wherein you request reason (s) for my refusing to recommend you to the Board of Education for tenure in the Comsewogue School District as an elementary classroom teacher, let me advise you of the following:

In the course of my review of your current status prior to making a determination as to whether I should recommend you for tenure in this school district, I made certain observations, both private and otherwise, to aid me in reaching a decision. (During my review of the records in my office, which at the time were incomplete through no fault of your own, I noted that one observation was done on your teaching on June 12, 1973 by Mr. Johnson, the building principal. Upon further investigation, I noted that you reported ill on that day and you were not even in the school building.

On November 14, 1974, I noted another observation was made by Mr. Johnson on your classroom teaching and again, I noted that on November 14, 1974, you reported ill and were not in that building on that date. I also noted that on the November 14, 1974 observation, you and Mr. Johnson both signed the observation form on November 16, 1974, which by my calendar is a Saturday. I was never advised that any of the observations done on you were in fact concluded on a Saturday.

EXHIBIT III

1

Further review revealed that another observation was made on your classroom teaching on May 15, 1973, and signed by both you and Mr. Johnson on May 16, 1973; when in fact, Mr. Johnson reported ill that day and was not in the building.

On March 21, 1975, you were asked to report to my office which you graciously consented to do and I informed you of the discrepancies mentioned above. I also informed you that I was totally distressed and disappointed in you personally and professionally to find that you were a party to this. "I told you then that I felt that both you and Mr. Johnson made a mockery of the observation procedure, so vitally necessary to me as District Principal in making a recommendation for tenure." I advised you then that your tenure status was not only in question, but indeed in jeopardy. On that same date, I told you to report back to my office on March 24, 1975.

On March 24, 1975, you reported back to my office as requested, and at that time I advised you that I could not recommend you for tenure in this district in any capacity since you had destroyed my faith and trust in you, "causing me to believe that your competency as a classroom teacher would also be questionable in light of the deceptive practices you had become a party to." I also informed you that I felt the seriousness of the acts you committed were of such magnitude that I could not, in all good conscience, recommend you for tenure.

On April 1, I dictated a letter to my secretary placing in writing my decision; stating that I would not recommend you for tenure.

With respect to the second paragraph of your letter of April 7, 1975, I can only state that to the best of my knowledge and belief, I am complying with the Education Law of the State of New York. and I feel that everything that has been done was done in compliance with the Education Law.

Finally, I would like to advise you at this time that I am still deliberating a suspension of your services for the remainder of this school year. However, if I should so decide, you will be advised accordingly.

JWW/pn

Very truly yours,

John W Wallen

John W. Wallen,
District Principal

III
2

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Exhibit IV, Annexed to Complaint, Annexed to Affidavit
Charges Preferred by John Wallen

CHARGES PREFERRED BY JOHN WALLEN, SCHOOL DISTRICT PRINCIPAL AGAINST ROBERT J. JOHNSON, FILED WITH THE CLERK OF THE BROOKHAVEN-COMSEWOGUE SCHOOL DISTRICT ON APRIL 14, 1975

FIRST CHARGE: That on June 12, 1973, ROBERT J. JOHNSON, a tenured employee of the BROOKHAVEN-COMSEWOGUE SCHOOL DISTRICT, being the Principal of the Comsewogue Elementary School, purported to evaluate GLADYS GENTILE, a teacher in the Comsewogue Elementary School, certifying to and reporting such an evaluation on a certain prescribed TEACHER EVALUATION FORM, when, in fact, no such evaluation transpired on this date, his certification and report being knowingly and intentionally false.

SECOND CHARGE: That on May 16, 1974, ROBERT J. JOHNSON, a tenured employee of the BROOKHAVEN-COMSEWOGUE SCHOOL DISTRICT, being the Principal of the Comsewogue Elementary School, purported to evaluate MAUREEN SPANOS, a teacher in the Comsewogue Elementary School, certifying to and reporting such an evaluation on a certain prescribed TEACHER EVALUATION FORM, when, in fact, no such evaluation transpired on this date, his certification and report being knowingly and intentionally false.

THIRD CHARGE: That on November 14, 1974, ROBERT J. JOHNSON, a tenured employee of the BROOKHAVEN-COMSEWOGUE SCHOOL DISTRICT, being the Principal of the Comsewogue Elementary School, purported to evaluate GLADYS GENTILE, a teacher in the Comsewogue Elementary School, certifying to and reporting such an evaluation on a certain prescribed TEACHER EVALUATION FORM, when, in fact, no such evaluation transpired on this date, his certification and report being knowingly and intentionally false.

EXHIBIT IV

FOURTH CHARGE: That ROBERT J. JOHNSON, a tenured employee of the BROOKHAVEN-COMSEWOGUE SCHOOL DISTRICT, being the Principal of the Comsewogue Elementary School, purported to sign and execute a certain prescribed TEACHER EVALUATION FORM on May 16, 1973 in respect to GLADYS GENTILE, a teacher in the Comsewogue Elementary School, wherein he declared and represented that on that date he discussed with this teacher his evaluation of her teaching abilities, which declaration and representation was knowingly and intentionally false.

FIFTH CHARGE: That ROBERT J. JOHNSON, a tenured employee of the BROOKHAVEN-COMSEWOGUE SCHOOL DISTRICT, being the Principal of the Comsewogue Elementary School, purported to sign and execute a certain prescribed TEACHER EVALUATION FORM on November 6, 1974 in respect to GLADYS GENTILE, a teacher in the Comsewogue Elementary School, wherein he declared and represented that on that date he discussed with this teacher his evaluation of her teaching abilities, which declaration and representation was knowingly and intentionally false.

SIXTH CHARGE: That in respect to Charges 1 through 5 inclusive, the said ROBERT J. JOHNSON in each and every circumstance set forth therein requested, demanded, induced and compelled the affected teachers, being the said GLADYS GENTILE and MAUREEN SPANOS, to become a signatory to their respective evaluation reports, thereby requiring and compelling them to falsely certify, declare and report that they were evaluated by the said ROBERT J. JOHNSON on days when, in fact, no such evaluations transpired, and that they discussed their evaluation reports with the said ROBERT J. JOHNSON on days when, in fact, no such discussions transpired.

CHARGE PREFERRED BY JOHN WALLEN, SCHOOL DISTRICT PRINCIPAL AGAINST ROBERT J. JOHNSON, FILED WITH THE CLERK OF THE BROOKHAVEN-COMSEWOGUE SCHOOL DISTRICT ON MAY 12, 1975

CHARGE: That on November 6, 1973, ROBERT J. JOHNSON, a tenured employee of the BROOKHAVEN-COMSEWOGUE SCHOOL DISTRICT, being at that time the Principal of the Comsewogue Elementary School, purported to evaluate GLADYS GENTILE, a teacher in the Comsewogue Elementary School, certifying to and reporting such an evaluation on a certain prescribed TEACHER EVALUATION FORM, when in fact no such evaluation transpired on this date, his certification and report being knowingly and intentionally false; and said ROBERT J. JOHNSON purported to sign and execute this form on November 6, 1973 wherein he declared and represented that on that date he discussed with this teacher his evaluation of her teaching abilities, which declaration and representation was knowingly and intentionally false.

IV

3

Exhibit V Annexed to Complaint Annexed to Affidavit
Letter to Gladys Gentile from Mr. Hines Citing Reasons for Dismissal

THE UNIVERSITY OF THE STATE OF NEW YORK
THE STATE EDUCATION DEPARTMENT
SECOND SUPERVISORY DISTRICT OF SUFFOLK COUNTY
201 SUNRISE HIGHWAY
PATCHOGUE, NEW YORK 11772

JAMES HINES
DISTRICT SUPERINTENDENT OF SCHOOLS

TELEPHONE
(516) 289-2200

June 11, 1975

Mrs. Gladys Gentile
102 Jefferson Avenue
Port Jefferson, NY 11777

Dear Mrs. Gentile:

I hereby acknowledge receipt of your letter of June 4, 1975, which was received in my office on June 5, 1975. In your letter you request the reasons for my decision not to recommend you for permanent tenure appointment as an elementary teacher in the Brookhaven-Comsewogue Union Free School District. Section 3031 of the New York State Education Law, of course, requires that I supply these reasons upon request and I hereby do so.

Based upon the information supplied to me by your District Principal, the primary reason for not recommending you for tenure is your admitted signing of teacher evaluation reports long after the alleged evaluations had taken place. To compound this, on several of your signed evaluation forms, no observation or evaluation could have taken place on the stipulated dates because you were either absent from school, your principal was not in school, or, in one instance, the date was a Saturday.

Despite the rationale or explanation of the discrepancies, the fact remains that you did knowingly sign evaluation reports after a considerable time lapse from the date of the supposed observations. Also, you signed without checking the accuracy of the dates. Formal teacher evaluation reports are vital documents, quasi-legal in nature, which cannot be taken lightly. You should have either refused to sign them because of the time lapse, or, at the very least, verified that the observation did take place on the date indicated.

I feel that this whole situation in unfortunate, but I am convinced that because of it your future effectiveness as a teacher in the Brookhaven-Comsewogue District would be greatly impaired, and, therefore, cannot recommend you for permanent tenure appointment in that district.

Sincerely,

James Hines

James Hines
District Superintendent

JH/tw
cc: Mr. John Wallen
Mrs. Pierina Roberto

EXHIBIT V

Exhibit VI Annexed to Complaint Annexed to Affadavit
Reply to Mr. Hines from Gladys Gentile

102 Jefferson Ave.
Port Jefferson, N. Y. 11777
June 26, 1975

Mr. James Hines
The University of the State of New York
The State Education Department
Second Supervisory District of Suffolk County
201 Sunrise Highway
Patchogue, N. Y. 11772

Dear Mr. Hines:

I hereby acknowledge receipt of your letter of June 11, 1975, which was received at my home on June 12, 1975, in which you stated the reasons for your decision not to recommend me for permanent tenure appointment as an elementary teacher in the Brookhaven-Comsewogue Union Free School District. It is my understanding that, under the Fair Dismissal Law, Section 3031, that I have the right to file a written response to such statement of reasons, with the District Clerk, no later than seven days prior to the date of the Board Meeting at which time review of your recommendation will be made, (July 21, 1975). I hereby make that written response to your stated reasons.

In response to your primary reason regarding your determination not to recommend me for tenure, being my "admitted signing of teacher evaluation reports long after the alleged evaluations had taken place":

1. That information was supplied to you by a third party, the District Principal of Brookhaven-Comsewogue School

EXHIBIT VI

1. (con't.) District, which I consider "heresay" for which you provide no documentation;
2. The "evaluations" are not "alleged" in fact such "evaluations"[1 & 2] occurred in each and every instance for which I affixed my signature to the subsequent written report;
3. That the contract, officially adopted and currently in force between the Board of Education of Brookhaven-Consewogue Union Free School District #3 and Port Jefferson Station Teachers Association, Inc., does not proscribe any time limit for any teacher employee of the above mentioned school district for affixing her signature to written reports or indicates any suggestion regarding appropriate and/or expected time limits regarding the aforementioned signing of such reports.[3]

---

[1] Agreement Between the Board of Education of Union Free School District #3 and the Port Jefferson Station Teachers Association, July 1, 1973, Article VIII, Teacher Evaluation as defined by this stated article. Refers to school years 1973-74, & 1974-75. Hereafter referred to as The Agreement July 1, 1973.

[2] Agreement Between the Board of Education of Union Free School District #3 and the Port Jefferson Station Teachers Association, July 1, 1972, Article VIII, Teacher Evaluation as defined by this stated article. Refers to school year 1972-73. Hereafter referred to as The Agreement July 1, 1972.

[3] Ibid., The Agreements July 1, 1972, and July 1, 1973, Preamble, Articles I - XXXIV, Inclusive.

VI
2

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4. Further there has been no directive, written or otherwise, to the teacher employees of the Brookhaven-Comsewogue School District, to date in advisement of any such internal district procedures regarding expected and/or appropriate time limit for affixing one's signature to such written evaluation reports. Therefore I have had no guidance from any of my administrative superiors or from the contracts [4 & 5] regarding my obligation and/or responsibility, as a teacher, in reference to any time limit presumed to be imposed, tacitly or otherwise, by the School District.[6 & 7]

In response to your stated reason "to compound this, on several of your signed evaluation forms, no observation or evaluation could have taken place on the stipulated dates because you were either absent from school, your principal was not in school, or in one instance the date was a Saturday":

1. The above stated reason is obscured by the contextual ambiguity of your usage of the words, "evaluation forms, observation, and evaluation".

2. To delineate for you the classroom "observations".[8]

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4. *Ibid.*, The Agreement July 1, 1973, inclusive.
5. *Ibid.*, The Agreement July 1, 1972, inclusive.
6. Teacher's Manual for Comsewogue School: inclusive. Hereafter referred to as Teacher's Manual.
7. All recorded memoranda directed to Comsewogue Elementary Professional Staff make no reference at all to any time limit for signing written Teacher EvaluationForms.
8. *Op. Cit.*, The Agreement July 1, 1973, Art. VIII, Teacher Evaluation, Para. A.: ""All monitoring or observation of the work performance of a teacher""...Para. B.:(2) ""The intent of observation shall be to evaluate, not to harass, nor to interfere with the instructional program.""

2. (con't.) and subsequent "conferences"[9] executed by and/or with the parties, Robert Johnson, Principal, and myself Gladys Gentile, classroom teacher for the 'intended purpose of evaluation of my work performance as a teacher'.[10] accurately and clearly, I hereby state that these events, relevant to all my evaluations, occurred during the past three school years inclusive, as follows:

a) March 20, 1975, Thursday, a classroom observation was made by Mr. Johnson, Principal, of a Math Lesson taught by myself in room 208 between 11:00-11:45 a.m. This can be fully substantiated by an adult observer who was present for the duration of the observation.[11A] The conference to discuss this observation took place the afternoon of that same day, March 20, 1975.[11B & C]

b) January 30, 1975, Thursday, a classroom observation was made by Mr. Johnson, Principal, during a reading lesson taught by me in Room 208, mid-morning (approximately between 10:00-11:00 a.m.) This is substantiated by a teacher colleague, who noted Mr. Johnson in my classroom for a considerable duration of time and for an observation as noted above.[11D & E]

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9. Ibid., The Agreement, July 1, 1973, Art. VIII, Para. D.
10. Ibid., Art. VIII, Para. B-(2).
11. Corroborating Statements: A. Adult Observer-E. Black
B. Prof. Colleague-M. Shackleford
C. " " -J. Hoffman
D. " " -M. Pezzati
E. " " E. Gudzik

VI
4

c) November 4, 1975, Monday, a classroom observation was made by Mr. Johnson, Principal, during a language lesson taught by myself in Room 208 approximately 9:30 a.m. The Subsequent conference regarding this observation was executed by Mr. Johnson and myself on November 6th. *

observation key 14 b

All of these above mentioned classroom observations can be substantiated by the students currently enrolled in my third grade class. We have enjoyed many approved adult visitors: participating student observers, parent class mothers, and both Mr. Johnson and Mr. Basile, Building Principal and Acting Building Principal respectively. Because these events are current, (past dated a maximum of 6 months), my recollection of these actual observations and conferences is very vivid. Indeed material contained in my current year's planbook (74-75) supports my documentation of these events.

d) May 15, 1974, Wednesday, a classroom observation was made by Mr. Johnson during individualized study—workshop activity period, directed and guided by myself in room 201. of my second grade class. The subsequent conference regarding this observation was executed by Mr. Johnson and myself on May 17th, following the dismissal of my class or during the course of the school day.

Affidt. Ibid #11-E-6 Basile
Ibid #11-E-6 Hoffman

VI
5

e) December 6, 1973, Thursday, a classroom observation was made by Mr. Johnson during an individualized reading and general activity period, commonly known as "Workshop" as perscribed by the Open Court Reading Program. I place the time of this observation in the afternoon because that was the usual time for the stated type of activity in my instructional programming. The post observation conference was conducted the following afternoon during my preparation period, noon hour, or directly following class dismissal.

f) November 5, 1973, Monday, a classroom observation was made by Mr. Johnson, Principal of a reading lesson taught by myself in room 201. Second Grade, early morning. I recall the day because we were having "Back to School Night" that evening and I mentioned my concern about the appearance of the room and the display of the children's work. The ensuing conference between the Principal and myself was held within that school week. It has always been my habit to request a conference within a short period of time following observations. My

Ibid : 11-H Hoffman

VI
6

signature appears valid on my copy of this written report. The date is most definitely not of my handwriting. 11 --

c) June 12, 1973, Wednesday, Mr. Johnson, Principal, apparently prepared a "year end evaluation report"[12 & 13] regarding my performance as a classroom teacher for the 1972-73 school year. This report was discussed in conferences with Mr. Johnson and myself on Wednesday, June, 13th, and Thursday, June 14th. Regarding this "year end evaluation", the written report does not indicate a classroom observation, therefore, my absence on the 12th of June could have no possible bearing on the date on which Mr. Johnson prepared his report. My absence is entirely irrelevant. There are no specific provisions in the contract,[14 &15]

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12. Op. Cit., The Agreement July 1, 1973. Agreement in entirety. No reference or definition of this term stated.
13. Op. Cit., The Agreement July 1, 1972. Agreement in entirety. No reference or definition of this term stated.
14. Op. Cit., The Agreement July 1, 1973, Art. VIII, and in entirety.
15. Op. Cit., The Agreement July 1, 1972, Art. VIII, and in entirety.

administrative directives,[16] or the Teacher's Manual[17] to indicate that the date on the written report must, or should, reflect the date on which the report was prepared or the date on which the report was discussed in the Principal-Teacher conference: there is no guidance at all. An additional note regarding my

supposed absence on 12 June, 1973, the "official" attendance record[18] for myself for that date has been written over and is somewhat obscured.

h) May, 15, 1973, Tuesday, a classroom observation was made by Mr. Johnson, Principal, of a Social Studies lesson in Room 204 between 10:00-11:00 a.m. The

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[16] *Op. Cit.*, Administrative Memoranda

[17] *Op. Cit.*, Teacher's Manual: Section Titled: Rules and Regulations for Teachers: 1. ""Teachers shall make themselves familiar with the regulations of the Board of Education, the special instructions of the District Principal and the Building Principal in relation to the management of and disciplineoof their respective grade and carry them into full effect. They shall keep records and prepare such reports as the District Principal or Building Principal may require"".

[18] Comsewogue Elementary School Teacher's Attendance Record Book, Pg. Title 2C-Mrs. Gentile-Room 204, line 6 of recorded absences.

11. *Op. Cit.*, Corroborating Statements: F. Office Staff-J. Tiger
[sic] G. " " -S. Abrams

subsequent conference regarding this observation in all probability was executed by Mr. Johnson and myself on May 16, 1973, following the dismissal of my class. It has been indicated to me by the District Principal that Mr. Johnson was absent on that day. However, as was often his habit when taking a sick day as his office staff will concur, Mr. Johnson no doubt returned to his office that afternoon. Consequently, Mr. Johnson's reporting ill that day is irrelevant.

i) February 2, 1973, Friday, a classroom observation was made by Mr. Johnson, Principal, of a math lesson taught by myself in room 204, (following Music period), beginning at approximately 11:15 a.m.

The subsequent conference regarding this observation was executed on February 6th, during or directly following the school day. My memory of this particular observation and thesubsequent conference is extremely vivid. I had copied an improperly calculated arithmetic example on the board. Although the error was minor, it fixed the event in my mind indelibly. I can recall discussing this very aspect of the lesson with Mr. Johnson and feeling very embarrassed about it.

j) November 14, 1972, Tuesday, a classroom observation was made of a reading lesson by Mr. Johnson, Principal, taught by myself that morning. Subsequent to the observation, a conference was executed by Mr. Johnson and myself regarding that observation on November 15th, during the course of the school day or directly following the dismissal of classes.

Regarding the above cited observations, post obsdrvation conferences (a-j), and the written reports, I wish to conclude that the stated purpose of such procedures are for the purpose of the evaluation of the teacher's performance. This intent of purpose is clearly delineated by the Agreement[19] in Article VIII as follows:

Paragraph B. #2.	"The intent of observation shall be to evaluate"...
Paragraph D.	"Written report of observations will be discussed, (no later than five days after the observation). Reports and conferences should be of a constructive nature, i. e., suggestions for improvement".
Paragraph E.	"Any complaints regarding a teacher made... by any parent, student, or other person

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[19] Op. Cit., The Agreement, July 1, 1973, Art. VIII

> will be promptly called to the teacher's attention. The teacher will have the opportunity to respond to such complaints"...

I hereby state that I have adhered to the abovementioned stated purpose and procedures for evaluation most consciensciously, and completely in form and spirit. Always uppermost in my mind during post observation conferneces was the content of the written reports, eg. suggestions, comments or my effectiveness and performance.

In response to your statement that "dispite the rationale or explanation of the discrepancies"... I contend that I have represented to you a true and factual representation of the facts regarding the classroom observations, post observation conferences and the year end evaluation report for 1973. Further, I am able to provide substantiation of these facts through personal records, notations, school and other records and by corroboration through sworn statements, by many other parties.

Regarding signing the aforementioned reports of classroom observations and the year end evaluation report for 1973, "without checking the accuracy of the dates", I remind you that under all written procedures and administrative directives provided to me there is no provision for a teacher employee to gain access to all the appropriate official records needed to do so, or is there any hint of advisement that to do so would be either expected or needed in any form or manner, by contract or otherwise.[20, 21, 22, 23, 24]

Therefore, it is an invalid assumption on your part that I should have "checked the accuracy of the dates", when the abovementioned reasons would make it virtually impossible and improper to do so. It would have been completely contrary to established common practice, which is, that teacher-employees have always accepted the dates on these reports as recorded properly by their immediate supervisor and his staff.

Furthermore, the significance of the fact that some of the dates were inaccurate pales beside the clear evidence that all observations alleged to have taken place, did indeed take place and that all observations reflect consistently excellent performance. In addition, missing from your analysis is any reference to the fact that there is no way I could have been

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20. Op. Cit., The Agreement, July 1, 1973.
21. Op. Cit., The Agreement, July 1, 1972.
22. Op. Cit., Teacher's Manual.
23. Op. Cit., Administrative Memoranda.
24. Faculty Meetings.

aware that the mistaken dates on the observation forms would be considered more significant than the quality of my performance. This apparent assumption or your part seems itself to be a violation of the spirit and intent of the Agreement.

Finally, your analysis contains no hint of any motive, on my part, which would cause me to engage in the deliberate deception of which I am accused. The evidence clearly shows there was no attempt to deceive, intactional or otherwise.

The Building Principal, in this instance, has final control and opportunityover these written reports long after a teacher has discussed and signed said reports. In addition, I contend that when these above mentioned reports are "filed" by the administration the teacher then loses all control over any addition, deletions, or alternations that could be made by any number of employees in the adminsitrative structure of the school district. The accountability for accuracy for dating such reports rests with the administration. I had no reason to question the long estabished treatment of these written reports which is common practice in the Conewogue School District.

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25. Common Practice: e.g. dating has nevernbeen considered the responsibility of teachers, has never been considered significant by administration prior to this time as evidenced by inaccurate files rife dated evaluation forms throughout the Conewogue School District.

In every instance that I signed the written evaluation reports I did so, absolutely in good faith, fully believing them to be accurate and knowing that they did represent actual accurances. The aforementioned written evaluation reports were presented to me as accurate and valid reports some of which had remained in my supervisors file unsigned by his own oversight: nothing more nothing less! A refusal to sign such reports, which I perused carefully for content, and found to be accurate in that respect, could be considered uncooperative on my part, or worse insubordinate, and could have jeopardized my position in regards to complying with my supervisors directive or request. Being cognizant of Article VIII - Teacher Evaluation of the contract and having paid close attention to all directives and communications from all levels of the administration I did not comprehend then or can I now, that I, in any way, failed to meet my responsibilities effectively and honestly in regard to the entire observation-evaluation procedure.

I have always considered this process most serious and vital to my professional performance, growth and effectiveness in the classroom. I repudiate most emphatically, your inference that the evaluation procedure has been "taken lightly" by me. As a fully professional educator,[26] properly certified one who has tendered considerable numbers of years of dedicated service to the Comsewogue School District, I am well aware of the fact these "documents" or written reports are important. I have no knowledge of such written reports being "quasi-legal"[27]. If indeed there is such a "quasi-legal" status attributed to these documents or reports by law, I hold your office responsible in failing to instruct all teachers employed in Supervisory District II of this "fact". I further hold you responsible in your capacity as direct liason, to the Commissioner of Education of the State of New York, to me in this instance, that you d not meet this responsibility through the District Administrators directly under your supervision in such matters.

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[26] Joint Code of Ethics: Jointly issued by the New York State School Boards Association and the New York State Teachers Association: 1959-1974.

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[27] Black's Law Dictionary: Henry Campbell Black: West Publishing Co; c. 1951. pg. 1410 & pg. 1038
Quasi: As if; almost as it were; This term is used in legal phraseology to indicate that one subject resembles another, with which it is compared, in certain characteristics, but that there are intrinsic and material differences between;... It is often prefixed to English words, implying mere appearance or want of reality.

Legal: I, Conforming to the law; according to law; required or permitted by law:
III. Cognizable in courts of law, as distinguished from courts of equity; construed and governed by the rules and principles of law, in contradistinction to rules of equity.
V, Created by Law:

Quasi-legal as so defined is contrary to the weight and significance seemingly attached to these written reports. This is illustrated by your inclusion of the term, "quasi-legal documents" in your stated reasons for your decision: it is of such severe consequences to me personally and professionally and of such far reaching effect in the application of the implicit principle for all professional staff under your supervision.

Since I had no prior knowledge that such established common practice was about to change, immediately and without warning, without written directive from the administration o through proper negotiation with the union, or through addend to handbook, and further, was to be solely applied in regard personnel files prepared by my immediate supervisor, Mr. Johnson, I can only conclude that this is an instance of obvious discriminatory treatment of myself (and possibly other teachers), under the supervision of Mr. Johnson.

In regard to considerable "time lapses", I contend that the District Principal was obligated to provide me with such earl advisement that there were any discrepancies of dates on the written reports of evaluation in my personnel file, if said reports were to be considered of such import, as to be considered grounds for the unjust action taken against me that administrative responsibility has been grossly neglected, to be considered a "vital documents", to be considered of "quasi-legal" nature, d to the fact that many of the dates cited as discrepant are st dated as much as three years. By the preceeding statements o this paragraph I indicate to you that I strongly believe that

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the unusually close scrutiny of my personnel file was indeed, discriminatory in nature, and an abrogation of professional ethics and mutual good faith as well as the officially adopted contract, policies and procedures.[28 & 29]

In response to your concluding statement, "that this whole situation isunfortunate" and further that due to it, you are "convinced" that my "future effectiveness as a teacher in the Brookhaven-Comsewogue District would be greatly impaired" I totally repudiate your conclusion in that:

1. No article of contract has been abrogated by myself;
2. That No stated policies, procedures or common practices, have been violated by myself.

Contradistinctly, the "situation" you refer to actually reflects upon the effectiveness and the efficiency of the entire administrative hierarchy involved rather than the effectiveness and the efficiency of myself as a classroom teacher, in meeting my responsibilities as, and in my performance of duties as designated to me by all previously cited agreements, directives, Code, and implicit in the law. I contend that your reasons areinvalid and arbitrary on the grounds that you or anyone else have failed to or shown any proper, accurate documentation of these stated reasons. Further, you fail to recognize or ascertain the actual position of very significant numbers of community residents in their feelings of aggrievement of the treatment tendered me in this issue. Their expressed desire is for my continuance as a teacher in their School District. Intrinsicly, this community based support is crucial in predicting my future effectiveness as a teacher in the stated district. It negates any concern, that there exists any real possibility that there would be "impairment" of my effectiveness as stated.

Overwhelming public support of me clearly indicates public knowledge of me as a proven , effective, classroom teacher of many years service to their district of my personal and professional integrity and of the public's desire that I will continue my service to their children in the schools of their community even more effectively in the future.

The outrageous significance placed upon the inaccurate recording of dates, besides making a mockery of my tenure rights, is even more seriously a direct attack on my personal integrity.

Sir, your blatant refusal to consider the real facts of this case in the light of day can only be interpreted as condoning the attempt to destroy my professional career and violate my civil rights as a citizen of this State and these United States.

I hope that you will grant this response your highest consideration and professional attention.

Respectfully submitted,

Gladys Gentile

Gladys Gentile

cc: Mr. John Wallen
Mrs. Pierina Roberto

I do hereby swear that Mr. Johnson, principal of Comsewogue Elementary School, did make a formal obervation of 35-40 minutes duration of Mrs. Gladys Gentile, teacher, grade 3, room 208, on March 20, 1975, during which time I was present.

Ellen M. Black
Ellen M. Black

Sworn to before me
this 9th day of July 1975
Marian H. Conroy

MARIAN H. CONROY
NOTARY PUBLIC, State of New York
No. 52-07[illegible]40, Suffolk County
Commission Expires March 30, 1977

I recollect that our third grade teachers were on a preparation period one Tuesday or Wednesday, (11:00-11:45 a.m. or 1:45-2:30 p.m.) respectively, in the fall of 1974. Those are the two days that we all have(e.g. all third grade teachers), preparation period at the same time. A student observer was sitting at our table. Someone asked where Gladys (Mrs. Gentile) was.

Before the period had ended, Gladys (Mrs. Gentile) walked in. She stated that she had had a conference about an observation with Mr. Johnson. The student observer asked if we were observed often. One of the teachers made a nonsensical remark to the effect that we were not only observed, but received a report like a report card. Report cards for teachers struck us funny. We went on for a while imagining what type of grades we would get and for what "subjects". We were all working on the scheduling of Parent-Teacher Conferences and preparing the letters of notification tothe parents for the conferences. Therefore, it was the week of November 4th at which time we received these letter forms to complete in conjunction with scheduling the parent-teacher conference appointments.

Julie Hoffman
Julie Hoffman (Teacher)

Sworn to before me
this 10 day of July, 1975

Marian H. Conroy
MARIAN H. CONROY
NOTARY PUBLIC, State of New York
No. 52 - 0737040, Suffolk County
Commission Expires March 30, 1977

I saw Mr. Johnson in Gladys Gentile's classroom, room 208, when I was supervising children from my room in the hall. I remember it was after she had the ~~fly~~ flu M.P., which places the time as late January, 1975. He was looking over some of the children's work. It certainly gave me the impression that Mr. Johnson was doing a formal observation of Mrs. Gentile's instruction of the class. I noted him there for a duration of time approximately ~~15-30~~ 20 M.P. minutes.

Mary Pezzati
Mary Pezzati

Sworn to before me
this 7th day of July
Marian H. Conroy

[illegible] H. CONROY
NOTARY [illegible] State of New York
No. 52-[illegible] County
Commission Expires [illegible] 30, 1977

11-E-#2

The first time Mrs. Gentile remarked, to me, about her having had been observed that day she said, in effect, "as long as I teach and as many times as I'm observed I still get a little jittery feeling inside". This was in the Fall of this year, November, 1974.

Ernestine J. Gudzik
Ernestine Gudzik
Curtis Robert Langdon
CURTIS R. LANGDON
NOTARY PUBLIC, State of New York
No. 30-7422720
Qualified in Nassau County
Commission Expires March 30, 1976

7-9-75

11-E(1)

The second reference Gladys made about being observed she said to me, in effect, "Mr. Johnson wants to know what time my Math Class is scheduled because he wants to observe a Math Lesson." This was the most recent comment Gladys made about being "observed" I place the time as March of this year (1975). She also remarked that this was her last formal observation for this year.

Ernestine J. Gudzik
Ernestine Gudzik
Curtis Robert Langdon
CURTIS R. LANGDON
NOTARY PUBLIC: State of New York
No. 30-7422720
Qualified in Nassau County
Commission Expires March 30, 1976

7-9-75

I, Sharon Abrahams, can attest to the fact that, during my six years in the position of teacher's aide, assigned primarily to the main office of the Comsewogue Elementary School, Mr. Robert J. Johnson, Principal, has been known to frequently come into the school building to work for a portion of a day of which he had officially notified the district of his "absence" for reason of personal business and/or illness.

Sworn to before me this

11th day of July, 1975

Marian H. Cane

[illegible] York
[illegible]
77

During the 1972-73 school year, I was teaching second grade in room 202 next door to Mrs. Gentile (who was in room 204). We were coming upstairs to our rooms one day and Mr. Johnson was standing outside her door. Mrs. Gentile said, in effect, "Gee he's (Mr. Johnson) already here." She had discussed earlier that she was expecting an observation.

Julie Hoffman
Julie Hoffman (Teacher)

Sworn to before me
this 10 day of July, 1975
Marian H. Conroy

[illegible] York
[illegible]
[illegible] 77

[Unclear, As in Original]

Exhibit VII, Annexed to Affidavit
Article IV, Tenure

C. Credit for service in the field of business may be granted as follows: one full year for each full year of related business experience not to exceed a total of four years.

D. Appointment notices for teaching staff in the following year will be returned to the District Principal no later than ten (10) days after receipt of the same from the District Principal. This appointment agreement is to indicate intent to return to the employ of the district under the employment contract agreed upon by the Board and the Association. This notification of intent to return is not binding beyond May 1st of the present year. The form to be used will be agreed upon by the District Principal and President of the Association.

ARTICLE IV
TENURE

A. The probationary period for all non-tenured teachers shall be in accordance with Section 3013 of the N.Y. State Education Law.

B. In cases where non-tenure employees services are not required beyond June 30th of a particular year, they will be notified, in writing, no later than ninety (90) days in advance of that date. Failure to render such notification shall result in the granting of tenure by default. Every effort will be made by the District Principal to give greater notification when possible.

ARTICLE V
JURY DUTY

A. Teachers who are selected for jury duty shall suffer no loss of benefits.

B. Any remuneration received by a teacher over and above his expenses for transportation, meals and other incidentals shall be forwarded to the Board of Education.

C. Teachers under subpoena in school-related matters will suffer no loss of pay or other benefits.

ARTICLE VI
PHYSICAL EXAM

A. Each employee shall undergo a physical examination prior to the opening day of school of the first year of employment, and every third year thereafter. This examination shall include at least the following: a check of reflexes, heart, blood pressure, lungs, eyes, ears, and throat, a urine analysis, and an examination for the presence of hernia. The examination shall be reported to the District Principal on a form provided by the District.

B. The school nurse teachers shall, subject to approval by the District Office, administer the "Tine" tuberculosis test to all teachers each year.

EXHIBIT VII

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Exhibit B, Annexed to Affidavit of Gladys Gentile
Evalutation Dated April 20, 1975

MRS GLADYS GENTILE — Teacher
R J JOHNSON — Evaluator
COMSEWOGUE — School
GR 3 — Assignment
4/20/75 — Date

recd, min 8 3/20

This evaluation is for (check one):

1. Classroom Observation ....(✓)
   Type of Lesson (Subject) MATH
   Time of Observation AM
2. Year-End Evaluation ....( )
   Indicate year of service....(3)

Recommendations for tenure or probationary re-employment I recommend MRS Gentile for a tenure appointment

Gladys Gentile — Teacher's Signature* — Date 4/22/75
R J Johnson — Evaluator's Signature — Date 4/20/75

- * This signature indicates that the teacher and evaluator (Principal, Dept. Chairman, Supervisor, etc.) together have discussed this report. It does not necessarily denote agreement with all factors of the evaluation. Teachers are encouraged to make appropriate comments regarding this report.

For the purposes of tenure or reemployment, this is advisory only and is subject to the approval of the District Principal, District Superintendent and Board of Education.

Teachers are rated Satisfactory (S), Needs Improvement (N), or Unsatisfactory (U), in each category where applicable. Where an evaluation would not be appropriate, NA (not applicable) should be recorded. The evaluator is encouraged to use the section headed 'Comments' extensively. Additional sheet may be used if required.

PERSONAL ATTRIBUTES	S	N	U
1. Interest and Enthusiasm About Work	X		
2. Command of Language: Expresses thoughts in well chosen words	X		
3. Grooming and General Appearance	X		
4. Physical Health, Energy and Vitality	X		
5. Emotional and Social Adjustment: Able to cope with the unexpected; mature, self controlled	X		
6. Voice: Well modulated; easily understood	X		

Comments: Entirely satisfactory in the above attributes.

EXHIBIT B

CLASSROOM ENVIRONMENT	S	N	U
1. Physical Enviroment: Seating, lighting, heat ventilation, teacher's desk, students' desks, storage, floor, etc.	X		
2. Instructional Environment: Bulletin boards, library corner, evidence of project work, availability of learning materials, etc.	X		

Comments: Is imaginative, neat and pertinent

INSTRUCTIONAL SKILLS	S	N	U
1. Proficiency in Subject Matter	X		
2. Evidence of Planning: Daily plans, long range plans	X		
3. Introduction of Lesson: Motivation, etc.	X		
4. Development of Lesson: Instructional techniques, group or individual activities, appropriate use of various materials and teaching aids, mobility of teacher during lesson, etc.	X		
5. Provisions for Individual Differences	X		
6. Student Interest and Participation	X		
7. Summary of Lesson: Were objectives clear? Were they attained? Were meaningful assignments made?	X		
8. Pupil Evaluation: Evidence of achievement	X		

Comments: Very able in this area

PUPIL - TEACHER RELATIONSHIP	S	N	U
1. Ability to establish and maintain rapport with pupils	X		
2. ~~Student Control~~: Ability to handle undesirable behavior. Commands respect of students	X		
3. Awareness and attention to individual problems: Is sympathetic and understanding of children's needs; Respects the opinions and feelings of individual children	X		

Comments: Happy well organized class, very little parental dissatisfaction over the years.

PROFESSIONAL QUALITIES	S	N	U
1. Observation of ethics of teaching profession	X		
2. Response to supervision and suggestions for improvement	X		
3. Relationship with other school personnel: Fellow teachers, administration, specialists, non-professional staff	X		
4. Relationship with parents and community	X		
5. Promptness and accuracy with reports and records	X		
6. Compliance with authorized policies and procedures	X		
7. Attendance: Punctuality, reliability	X		
8. Participation in school and school related activities	X		
9. Professional growth	X		

Comments: I am satisfied in all of the above areas

Exhibit C, Annexed to Affidavit of Gladys Gentile
Evaluation Dated November 14, 1972

COMSEWOGUE SCHOOL DISTRICT, Port Jefferson Station, New York

Teacher: Gladys Gentile
Evaluator: Robert J. Johndon

School: Comsewogue Elementary
Assignment: Grade 2
Date: 11/14/72

This evaluation is for (check one):

1. Classroom Observation ....(X) 2. Year-End Evaluation ....( )
Type of Lesson (Subject) Reading Indicate year of service....( )
Time of Observation AM

Recommendations for tenure or probationary re-employment
I believe Mrs. Gentile will live up to past performance.

Teacher's Signature* Gladys Gentile
Date 11/15/72
Evaluator's Signature
Date

- * This signature indicates that the teacher and evaluator (Principal, Dept. Chairman, Supervisor, etc.) together have discussed this report. It does not necessarily denote agreement with all factors of the evaluation. Teachers are encouraged to make appropriate comments regarding this report.

For the purposes of tenure or reemployment, this is advisory only and is subject to the approval of the District Principal, District Superintendent and Board of Education.

Teachers are rated Satisfactory (S), Needs Improvement (N), or Unsatisfactory (U), in each category where applicable. Where an evaluation would not be appropriate, NA (not applicable) should be recorded. The evaluator is encouraged to use the section headed 'Comments' extensively. Additional sheet may be used if required.

PERSONAL ATTRIBUTES	S	N	U
1. Interest and Enthusiasm About Work	x		
2. Command of Language: Expresses thoughts in well chosen words	x		
3. Grooming and General Appearance	x		
4. Physical Health, Energy and Vitality	x		
5. Emotional and Social Adjustment: Able to cope with the unexpected; mature, self controlled	x		
6. Voice: Well modulated; easily understood	x		

Comments: Is very satisfactory.

EXHIBIT C

TEACHER EVALUATION FORM

CLASSROOM ENVIRONMENT	S	N	U
1. Physical Enviroment: Seating, lighting, heat ventilation, teacher's desk, students' desks, storage, floor, etc.	x		
2. Instructional Environment: Bulletin boards, library corner, evidence of project work, availability of learning materials, etc.	x		

Comments: Very good.

INSTRUCTIONAL SKILLS	S	N	U
1. Proficiency in Subject Matter	x		
2. Evidence of Planning: Daily plans, long range plans	x		
3. Introduction of Lesson: Motivation, etc.	x		
4. Development of Lesson: Instructional techniques, group or individual activities, appropriate use of various materials and teaching aids, mobility of teacher during lesson, etc.	x		
5. Provisions for Individual Differences	x		
6. Student Interest and Participation	x		
7. Summary of Lesson: Were objectives clear? Were they attained? Were meaningful assignments made?	x		
8. Pupil Evaluation: Evidence of achievement	x		

Comments: New Grade but seems to be at home with the curriculum.

PUPIL - TEACHER RELATIONSHIP	S	N	U
1. Ability to establish and maintain rapport with pupils	x		
2. Student Control: Ability to handle undesirable behavior. Commands respect of students	x		
3. Awareness and attention to individual problems: Is sympathetic and understanding of children's needs; Respects the opinions and feelings of individual children	x		

Comments: Good disciplinarian with a good rapport with children.

PROFESSIONAL QUALITIES	S	N	U
1. Observation of ethics of teaching profession	x		
2. Response to supervision and suggestions for improvement	x		
3. Relationship with other school personnel: Fellow teachers, administration, specialists, non-professional staff	x		
4. Relationship with parents and community	x		
5. Promptness and accuracy with reports and records	x		
6. Compliance with authorized policies and procedures	x		
7. Attendance: Punctuality, reliability	x		
8. Participation in school and school related activities	x		
9. Professional growth	x		

Comments: Fine educational background. Makes effort to improve consistantly.

Exhibit D, Annexed to Affidavit of Gladys Gentile
Evaluation Dated November 14, 1974

Gladys Gentile
Teacher

Robert J. Johnson
Evaluator

Comsewogue Elementary
School

Grade 3
Assignment

11/14/74
Date

This evaluation is for (check one):

1. Classroom Observation ....(X)
   Type of Lesson (Subject) Language
   Time of Observation 11:00 - 11:45

2. Year-End Evaluation ....( )
   Indicate year of service....( )

Recommendations for tenure or probationary re-employment I recommend Mrs. Gentile for a tenure appointment.

Gladys Gentile 11/16/74
Teacher's Signature* Date

R J Johnson 11/15/74
Evaluator's Signature Date

- * This signature indicates that the teacher and evaluator (Principal, Dept. Chairman, Supervisor, etc.) together have discussed this report. It does not necessarily denote agreement with all factors of the evaluation. Teachers are encouraged to make appropriate comments regarding this report.

For the purposes of tenure or reemployment, this is advisory only and is subject to the approval of the District Principal, District Superintendent and Board of Education.

Teachers are rated Satisfactory (S), Needs Improvement (N), or Unsatisfactory (U), in each category where applicable. Where an evaluation would not be appropriate, NA (not applicable) should be recorded. The evaluator is encouraged to use the section headed 'Comments' extensively. Additional sheet may be used if required.

PERSONAL ATTRIBUTES	S	N	U
1. Interest and Enthusiasm About Work	X		
2. Command of Language: Expresses thoughts in well chosen words	X		
3. Grooming and General Appearance	X		
4. Physical Health, Energy and Vitality	X		
5. Emotional and Social Adjustment: Able to cope with the unexpected; mature, self controlled	X		
6. Voice: Well modulated; easily understood	X		
Comments:			

EXHIBIT D

CLASSROOM ENVIRONMENT	S	N	U
1. Physical Environment: Seating, lighting, heat ventilation, teacher's desk, students' desks, storage, floor, etc.	X		
2. Instructional Environment: Bulletin boards, library corner, evidence of project work, availability of learning materials, etc.	X		

Comments: Her room is above average in the above respect.

INSTRUCTIONAL SKILLS	S	N	U
1. Proficiency in Subject Matter	X		
2. Evidence of Planning: Daily plans, long range plans	X		
3. Introduction of Lesson: Motivation, etc.	X		
4. Development of Lesson: Instructional techniques, group or individual activities, appropriate use of various materials and teaching aids, mobility of teacher during lesson, etc	X		
5. Provisions for Individual Differences	X		
6. Student Interest and Participation	X		
7. Summary of Lesson: Were objectives clear? Were they attained? Were meaningful assignments made?	X		
8. Pupil Evaluation: Evidence of achievement	X		

Comments: The instructional quality is good to excellent.

PUPIL - TEACHER RELATIONSHIP	S	N	U
1. Ability to establish and maintain rapport with pupils	X		
2. Student Control: Ability to handle undesirable behavior. Commands respect of students	X		
3. Awareness and attention to individual problems: Is sympathetic and understanding of children's needs; Respects the opinions and feelings of individual children	X		

Comments: I have observed no problems in this area.

PROFESSIONAL QUALITIES	S	N	U
1. Observation of ethics of teaching profession	X		
2. Response to supervision and suggestions for improvement	X		
3. Relationship with other school personnel: Fellow teachers, administration, specialists, non-professional staff	X		
4. Relationship with parents and community	X		
5. Promptness and accuracy with reports and records	X		
6. Compliance with authorized policies and procedures	X		
7. Attendance: Punctuality, reliability	X		
8. Participation in school and school related activities	X		
9. Professional growth	X		

Comments: Has high standards in the above.

Exhibit E, Annexed to Affidavit of Gladys Gentile
Evaluation Dated May 15, 1973

COMSEWOGUE SCHOOL DISTRICT/*Port Jefferson Station, New York*

Gladys Gentile Teacher	Robert J. Johnson Evaluator

Comsewogue Elementary School	Grade 2 Assignment	5/15/73 Date

This evaluation is for (check one):

1. Classroom Observation ....(X) 2. Year-End Evaluation ....( )
Type of Lesson (Subject) Social Studies Indicate year of service....(X)
Time of Observation AM - 11:00

Recommendations for tenure or probationary re-employment
Mrs. Gentile fits in very well in Grade 2. I anticipate recommending her for employment.

Gladys Gentile 5/16/73 5/16/73
Teacher's Signature* Date Evaluator's Signature Date

* This signature indicates that the teacher and evaluator (Principal, Dept. Chairman, Supervisor, etc.) together have discussed this report. It does not necessarily denote agreement with all factors of the evaluation. Teachers are encouraged to make appropriate comments regarding this report.

For the purposes of tenure or reemployment, this is advisory only and is subject to the approval of the District Principal, District Superintendent and Board of Education.

Teachers are rated Satisfactory (S), Needs Improvement (N), or Unsatisfactory (U), in each category where applicable. Where an evaluation would not be appropriate, NA (not applicable) should be recorded. The evaluator is encouraged to use the section headed 'Comments' extensively. Additional sheet may be used if required.

PERSONAL ATTRIBUTES	S	N	U
1. Interest and Enthusiasm About Work	X		
2. Command of Language: Expresses thoughts in well chosen words	X		
3. Grooming and General Appearance	X		
4. Physical Health, Energy and Vitality	X		
5. Emotional and Social Adjustment: Able to cope with the unexpected; mature, self controlled	X		
6. Voice: Well modulated; easily understood	X		

Comments:
No problems.

EXHIBIT E

TEACHER EVALUATION FORM

CLASSROOM ENVIRONMENT	S	N	U
1. Physical Enviroment: Seating, lighting, heat ventilation, teacher's desk, students' desks, storage, floor, etc.	x		
2. Instructional Environment: Bulletin boards, library corner, evidence of project work, availability of learning materials, etc.	x		

Comments: Interesting, neat.

INSTRUCTIONAL SKILLS	S	N	U
1. Proficiency in Subject Matter	x		
2. Evidence of Planning: Daily plans, long range plans	x		
3. Introduction of Lesson: Motivation, etc.	x		
4. Development of Lesson: Instructional techniques, group or individual activities, appropriate use of various materials and teaching aids, mobility of teacher during lesson, etc.	x		
5. Provisions for Individual Differences	x		
6. Student Interest and Participation	x		
7. Summary of Lesson: Were objectives clear? Were they attained? Were meaningful assignments made?	x		
8. Pupil Evaluation: Evidence of achievement	x		

Comments: Steady improvement, very able.

PUPIL - TEACHER RELATIONSHIP	S	N	U
1. Ability to establish and maintain rapport with pupils	x		
2. Student Control: Ability to handle undesirable behavior. Commands respect of students	x		
3. Awareness and attention to individual problems: Is sympathetic and understanding of children's needs; Respects the opinions and feelings of individual children	x		

Comments: Excellent.

PROFESSIONAL QUALITIES	S	N	U
1. Observation of ethics of teaching profession	x		
2. Response to supervision and suggestions for improvement	x		
3. Relationship with other school personnel: Fellow teachers, administration, specialists, non-professional staff	x		
4. Relationship with parents and community	x		
5. Promptness and accuracy with reports and records	x		
6. Compliance with authorized policies and procedures	x		
7. Attendance: Punctuality, reliability	x		
8. Participation in school and school related activities	x		
9. Professional growth	x		

Comments:

Exhibit F Annexed to Affidavit
June 12, 1973 Document

COMSEWOGUE SCHOOL DISTRICT/*Port Jefferson Station, New York*

Teacher: Gladys Gentile
Evaluator: Robert J. Johnson
School: Comsewogue Elementary
Assignment: Grade 2
Date: 6/12/73

This evaluation is for (check one):

1. Classroom Observation ....( )
   Type of Lesson (Subject) ____________
   Time of Observation ____________
2. Year-End Evaluation ....(X)
   Indicate year of service....( )

Recommendations for tenure or probationary re-employment ____________

I recommend Mrs. Gentile for re-employment.

Teacher's Signature*: Gladys Gentile
Date: 6-12-73
Evaluator's Signature
Date

- * This signature indicates that the teacher and evaluator (Principal, Dept. Chairman, Supervisor, etc.) together have discussed this report. It does not necessarily denote agreement with all factors of the evaluation. Teachers are encouraged to make appropriate comments regarding this report.

For the purposes of tenure or reemployment, this is advisory only and is subject to the approval of the District Principal, District Superintendent and Board of Education.

Teachers are rated Satisfactory (S), Needs Improvement (N), or Unsatisfactory (U), in each category where applicable. Where an evaluation would not be appropriate, NA (not applicable) should be recorded. The evaluator is encouraged to use the section headed 'Comments' extensively. Additional sheet may be used if required.

PERSONAL ATTRIBUTES	S	N	U
1. Interest and Enthusiasm About Work	X		
2. Command of Language: Expresses thoughts in well chosen words	X		
3. Grooming and General Appearance	X		
4. Physical Health, Energy and Vitality	X		
5. Emotional and Social Adjustment: Able to cope with the unexpected; mature, self controlled	X-		
6. Voice: Well modulated; easily understood	X		

Comments:

EXHIBIT F

B9 **TEACHER EVALUATION FORM**

CLASSROOM ENVIRONMENT	S	N	U
1. Physical Environment: Seating, lighting, heat ventilation, teacher's desk, students' desks, storage, floor, etc.	x		
2. Instructional Environment: Bulletin boards, library corner, evidence of project work, availability of learning materials, etc.	x		

Comments:

INSTRUCTIONAL SKILLS	S	N	U
1. Proficiency in Subject Matter	x		
2. Evidence of Planning: Daily plans, long range plans	x		
3. Introduction of Lesson: Motivation, etc.	x		
4. Development of Lesson: Instructional techniques, group or individual activities, appropriate use of various materials and teaching aids, mobility of teacher during lesson, etc.	x		
5. Provisions for Individual Differences	x		
6. Student Interest and Participation	x		
7. Summary of Lesson: Were objectives clear? Were they attained? Were meaningful assignments made?	x		
8. Pupil Evaluation: Evidence of achievement	x		

Comments:

PUPIL - TEACHER RELATIONSHIP	S	N	U
1. Ability to establish and maintain rapport with pupils.....	x		
2. Student Control: Ability to handle undesirable behavior. Commands respect of students	x		
3. Awareness and attention to individual problems: Is sympathetic and understanding of children's needs; Respects the opinions and feelings of individual children	x		

Comments:

PROFESSIONAL QUALITIES	S	N	U
1. Observation of ethics of teaching profession	x		
2. Response to supervision and suggestions for improvement...	x		
3. Relationship with other school personnel: Fellow teachers, administration, specialists, non-professional staff........	x		
4. Relationship with parents and community	x		
5. Promptness and accuracy with reports and records	x		
6. Compliance with authorized policies and procedures	x		
7. Attendance: Punctuality, reliability	x		
8. Participation in school and school related activities	x		
9. Professional growth	x		

Comments:

Exhibit H Annexed to Affidavit
Newspaper Article in Port Jefferson Record

5 Tenure Charges Upheld

The panel which heard tenure charges against Comsewogue administrator Robert J. Johnson last June has recommended that the former Comsewogue Elementary School principal not be reinstated to a building administrative position, suggesting instead that he be retained by the district as a teacher.

Associated with the district for over 18 years, Johnson was accused by the district of misdating teacher observation and evaluation records. Removed temporarily from his position as principal last spring, he was reassigned to textbook inventory in the district office. This school year, he has been serving as administrative assistant to Dr. Richard Petersen, principal at Boyle Road Elementary School.

Ruling that five of the seven charges against Johnson were substantiated, the panel could have urged Johnson's dismissal but did not. Instead, it recommended that Johnson, eligible for retirement in three years, be given a teaching position with commensurate salary at least until he reaches the minimum retirement age of 55.

The five charges center on Johnson allegedly falsifying teacher evaluation forms of former third-grade teacher Gladys Gentile by misdating them. Gentile was denied tenure by the school board on the recommendation of district principal John W. Wallen, who claimed Gentile had participated in the falsification.

The two charges the panel felt were unsubstantiated were allegations that Johnson falsified evaluation forms of sixth-grade teacher Maureen Spanos and coerced Spanos and Gentile to sign false records.

The district received notification of the three-member panel's recommendations October 23, in a letter from the State Department of Education dated October 20. The school board has 30 days, or until November 20, to act on the panel's advice either by implementing it "or choosing other appropriate action," said A. Donald McKibbin, assistant district principal.

Contacted by The RECORD, board president Frank D'Addario said the board "will not rush" to make a decision and that no response will be made until Wallen returns from vacation. As Wallen is not expected back to work until next Wednesday, D'Addario foresaw no action on the Johnson matter at the school board meeting Monday evening.

D'Addario said the board plans to meet soon with Frederic Block, attorney for the school district, to discuss the recommendations. The board also wants the district administration to answer several pertinent questions before making a decision, he said.

Attempts to contact Johnson this week failed, as he was ill. However, a call to his attorney, William P. Griffin, verified that Johnson has received notification of the panel's recommendations. Griffin said neither he nor Johnson wished to comment at this time because they have not yet discussed the panel's findings. Griffin said Johnson will be meeting with him before the weekend.

EXHIBIT H. —FITCH

Exhibit I Annexed to Affidavit
Newsday article, end of October, 1975

Panel Calls for Principal's Demotion

By Amanda Harris

Port Jefferson Station—A panel of educators has found the principal of the Comsewogue Elementary School guilty of deliberately misdating five teacher evaluation forms and has recommended that he be demoted to the position of teacher.

But the panel, in its long-awaited report, found the principal innocent of two other charges lodged by the school board: misdating an evaluation of another teacher and coercing both teachers into signing the forms.

According to Frederic Block, Comsewogue School District attorney, the panel concluded that Robert Johnson, the principal of the elementary school for 10 years, intentionally falsified the dates on five evaluation forms of Gladys Gentile, a third-grade teacher. Mrs. Gentile was fired last spring because she had been denied tenure on the ground that she signed the forms, knowing they were misdated. The panel did not attribute any motive to the alleged misdatings.

Block said the panel recommended that Johnson, 52, be retained as a teacher at top salary for three years, until he reaches retirement. This would result in a cut of about $10,000 a year from his principal's salary of $38,000.

Johnson and Gentile have consistently maintained that the misdating was a clerical error.

Block made it clear, however, that the report is only an advisory to the board of education, which has 30 days to accept, reject or amend the findings. Johnson was relieved of his duties at the elementary school April 15 and has been assigned to other district tasks. A formal hearing on the charges was held before the panel in June.

Johnson could not be reached yesterday, but his attorney, William Griffin, said no action will be taken until the board reaches a final determination. "It's inexcusable this has taken so long," Griffin said.

The three panel members are Pierce Hoban, superintendent of the Three Village School District; Jack Zuckerman, a teacher in the Brentwood School District and David Elliot, a former Rockland County BOCES official. Block said the district received their two-page report, written by Elliot, on Friday. Elliot attributed the delay to difficulties with the mails in getting copies of the report to the other two members for their signatures.

Johnson, as well as Mrs. Gentile, received a tremendous outpouring of support last spring from parents who charged that the allegations stemmed from district principal John Wallen's dislike of Johnson. Wallen has denied this, and Johnson has declined to comment on it.

Exhibit I.

Exhibit J, Annexed to Affidavit of Gladys Gentile
Charges Filed Against Johnson
By The School District

THE UNIVERSITY OF THE STATE OF NEW YORK
THE STATE EDUCATION DEPARTMENT
DIVISION OF EDUCATIONAL MANAGEMENT SERVICES
ALBANY, NEW YORK 12210

NOTICE OF DETERMINATION OF PROBABLE CAUSE ON CHARGES BROUGHT AGAINST TENURED SCHOOL DISTRICT EMPLOYEE
SECTION 3020-A
EDUCATION LAW

To: ROBERT J. JOHNSON

Please be advised that the Board of Education of the BROOKHAVEN-COMSEWOGUE SCHOOL DISTRICT, 400 Jayne Boulevard, Port Jefferson Station, New York 11776, meeting in executive session on April 14, 1975, has found that there is probable cause for the following charge preferred against you by JOHN W. WALLEN, School District Principal:

FIRST CHARGE: That on June 12, 1973, ROBERT J. JOHNSON, a tenured employee of the BROOKHAVEN-COMSEWOGUE SCHOOL DISTRICT, being the Principal of the Comsewogue Elementary School, purported to evaluate GLADYS GENTILE, a teacher in the Comsewogue Elementary School, certifying to and reporting such an evaluation on a certain prescribed TEACHER EVALUATION FORM, when, in fact, no such evaluation transpired on this date, his certification and report being knowingly and intentionally false.

Date of Notice: April 15, 1975

PIERINA ROBERTO, District Clerk
BROOKHAVEN-COMSEWOGUE SCHOOL DISTRI

Attached is a copy of the rights of tenured employees under Section 3020-A of the Education Law. A copy of this charge is being forwarded to the New York State Commissioner of Education, as required by law.

EXHIBIT V
1

THE UNIVERSITY OF THE STATE OF NEW YORK
THE STATE EDUCATION DEPARTMENT
DIVISION OF EDUCATIONAL MANAGEMENT SERVICES
ALBANY, NEW YORK 12210

SUPPLEMENTAL NOTIFICATION OF BOARD VOTE
DETERMINATION OF PROBABLE CAUSE
SECTION 3020-A, EDUCATION LAW

To: The Commissioner of Education

This finding of probable cause was affirmed by the following Board members, constituting a majority:

1) WILLIAM MARTIN
2) FRANK D'ADDARIO
3) JEROME FLESCHER
4) ARTHUR HOWARD
5) PETER SAPIENZA
6) LEWIS WEINERMAN

The following Board members, constituting a minority, voted against a finding of probable cause:

1) EDRIS CLARK

Date: April 15, 1975

S/ PIERINA ROBERTO, District Clerk

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THE UNIVERSITY OF THE STATE OF NEW YORK
THE STATE EDUCATION DEPARTMENT
DIVISION OF EDUCATIONAL MANAGEMENT SERVICES
ALBANY, NEW YORK 12210

NOTICE OF DETERMINATION OF PROBABLE CAUSE ON CHARGES BROUGHT AGAINST TENURED SCHOOL DISTRICT EMPLOYEE
SECTION 3020-A
EDUCATION LAW

To: ROBERT J. JOHNSON

Please be advised that the Board of Education of the BROOKHAVEN-COMSEWOGUE SCHOOL DISTRICT, 400 Jayne Boulevard, Port Jefferson Station, New York 11776, meeting in executive session on April 14, 1975, has found that there is probable cause for the following charge preferred against you by JOHN W. WALLEN, School District Principal:

SECOND CHARGE: That on May 16, 1974, ROBERT J. JOHNSON, a tenured employee of the BROOKHAVEN-COMSEWOGUE SCHOOL DISTRICT, being the Principal of the Comsewogue Elementary School, purported to evaluate MAUREEN SPANOS, a teacher in the Comsewogue Elementary School, certifying to and reporting such an evaluation on a certain prescribed TEACHER EVALUATION FORM, when, in fact, no such evaluation transpired on this date, his certification and report being knowingly and intentionally false.

Date of Notice: April 15, 1975

PIERINA ROBERTO, District Clerk
BROOKHAVEN-COMSEWOGUE SCHOOL DISTRIC

Attached is a copy of the rights of tenured employees under Section 3020-A of the Education Law. A copy of this charge is being forwarded to the New York State Commissioner of Education, as required by law.

✓
3

THE UNIVERSITY OF THE STATE OF NEW YORK
THE STATE EDUCATION DEPARTMENT
DIVISION OF EDUCATIONAL MANAGEMENT SERVICES
ALBANY, NEW YORK 12210

SUPPLEMENTAL NOTIFICATION OF BOARD VOTE
DETERMINATION OF PROBABLE CAUSE
SECTION 3020-A, EDUCATION LAW

To: The Commissioner of Education

This finding of probable cause was affirmed by the following Board members, constituting a majority:

1) WILLIAM MARTIN
2) FRANK D'ADDARIO
3) JEROME FLESCHER
4) ARTHUR HOWARD
5) PETER SAPIENZA
6) LEWIS WEINERMAN

The following Board members, constituting a minority, voted against a finding of probable cause:

1) EDRIS CLARK

Date: April 15, 1975

PIERINA ROBERTO, District Clerk

J
4

THE UNIVERSITY OF THE STATE OF NEW YORK
THE STATE EDUCATION DEPARTMENT
DIVISION OF EDUCATIONAL MANAGEMENT SERVICES
ALBANY, NEW YORK 12210

NOTICE OF DETERMINATION OF PROBABLE CAUSE ON CHARGES BROUGHT AGAINST TENURED SCHOOL DISTRICT EMPLOYEE
SECTION 3020-A
EDUCATION LAW

To: ROBERT J. JOHNSON

Please be advised that the Board of Education of the BROOKHAVEN-COMSEWOGUE SCHOOL DISTRICT, 400 Jayne Boulevard, Port Jefferson Station, New York 11776, meeting in executive session on April 14, 1975, has found that there is probable cause for the following charge preferred against you by JOHN W. WALLEN, School District Principal:

THIRD CHARGE: That on November 14, 1974, ROBERT J. JOHNSON, a tenured employee of the BROOKHAVEN-COMSEWOGUE SCHOOL DISTRICT, being the Principal of the Comsewogue Elementary School, purported to evaluate GLADYS GENTILE, a teacher in the Comsewogue Elementary School, certifying to and reporting such an evaluation on a certain prescribed TEACHER EVALUATION FORM, when, in fact, no such evaluation transpired on this date, his certification and report being knowingly and intentionally false.

Date of Notice: April 15, 1975

PIERINA ROBERTO, District Clerk
BROOKHAVEN-COMSEWOGUE SCHOOL DIS

Attached is a copy of the rights of tenured employees under Section 3020-A of the Education Law. A copy of this charge is being forwarded to the New York State Commissioner of Education, as required by law.

J
5

THE UNIVERSITY OF THE STATE OF NEW YORK
THE STATE EDUCATION DEPARTMENT
DIVISION OF EDUCATIONAL MANAGEMENT SERVICES
ALBANY, NEW YORK 12210

SUPPLEMENTAL NOTIFICATION OF BOARD VOTE
DETERMINATION OF PROBABLE CAUSE
SECTION 3020-A, EDUCATION LAW

To: The Commissioner of Education

This finding of probable cause was affirmed by the following Board members, constituting a majority:

1) WILLIAM MARTIN
2) FRANK D'ADDARIO
3) JEROME FLESCHER
4) ARTHUR HOWARD
5) PETER SAPIENZA
6) LEWIS WEINERMAN

The following Board members, constituting a minority, voted against a finding of probable cause:

1) EDRIS CLARK

Date: April 15, 1975

PIERINA ROBERTO, District Clerk

J
6

THE UNIVERSITY OF THE STATE OF NEW YORK
THE STATE EDUCATION DEPARTMENT
DIVISION OF EDUCATIONAL MANAGEMENT SERVICES
ALBANY, NEW YORK 12210

NOTICE OF DETERMINATION OF PROBABLE CAUSE ON CHARGES BROUGHT AGAINST TENURED SCHOOL DISTRICT EMPLOYEE
SECTION 3020-A
EDUCATION LAW

To: ROBERT J. JOHNSON

Please be advised that the Board of Education of the BROOKHAVEN-COMSEWOGUE SCHOOL DISTRICT, 400 Jayne Boulevard, Port Jefferson Station, New York 11776, meeting in executive session on April 14, 1975, has found that there is probable cause for the following charge preferred against you by JOHN W. WALLEN, School District Principal:

FOURTH CHARGE: That ROBERT J. JOHNSON, a tenured employee of the BROOKHAVEN-COMSEWOGUE SCHOOL DISTRICT, being the Principal of the Comsewogue Elementary School, purported to sign and execute a certain prescribed TEACHER EVALUATION FORM on May 16, 1973 in respect to GLADYS GENTILE, a teacher in the Comsewogue Elementary School, wherein he declared and represented that on that date he discussed with this teacher his evaluation of her teaching abailities, which declaration and representation was knowingly and intentionally false.

Date of Notice: April 15, 1975

PIÈRINA ROBERTO, District Clerk
BROOKHAVEN-COMSEWOGUE SCHOOL DISTRI

Attached is a copy of the rights of tenured employees under Section 3020-A of the Education Law. A copy of this charge is being forwarded to the New York State Commissioner of Education, as required by law.

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THE UNIVERSITY OF THE STATE OF NEW YORK
THE STATE EDUCATION DEPARTMENT
DIVISION OF EDUCATIONAL MANAGEMENT SERVICES
ALBANY, NEW YORK 12210

SUPPLEMENTAL NOTIFICATION OF BOARD VOTE
DETERMINATION OF PROBABLE CAUSE
SECTION 3020-A, EDUCATION LAW

To: The Commissioner of Education:

This finding of probable cause was affirmed by the following Board members, constituting a majority:

1) WILLIAM MARTIN
2) FRANK D'ADDARIO
3) JEROME FLESCHER
4) ARTHUR HOWARD
5) PETER SAPIENZA
6) LEWIS WEINERMAN
7) EDRIS CLARK

The following Board members, constituting a minority, voted against a finding of probable cause:

NONE.

Date: April 15, 1975

PIERINA ROBERTO, District Clerk

J
8

THE UNIVERSITY OF THE STATE OF NEW YORK
THE STATE EDUCATION DEPARTMENT
DIVISION OF EDUCATIONAL MANAGEMENT SERVICES
ALBANY, NEW YORK 12210

NOTICE OF DETERMINATION OF PROBABLE CAUSE ON CHARGES BROUGHT AGAINST TENURED SCHOOL DISTRICT EMPLOYEE SECTION 3020-A EDUCATION ALW

To; ROBERT JOHNSON

Please be advised that the Board of Education of the BROOKHAVEN-COMSEWOGUE SCHOOL DISTRICT, 400 Jayne Boulevard. Port Jefferson Station, New York 11776, meeting in executive session on April 14, 1975, has found that there is probable cause for the following charge preferred against you by JOHN W. WALLEN, School District Principal:

FIFTH CHARGE: That ROBERT J. JOHNSON, a tenured employee of the BROOKHAVEN-COMSEWOGUE SCHOOL DISTRICT, being the Principal of the Comsewogue Elementary School, purported to sign and execute a certain prescribed TEACHER EVALUATION FORM on November 16, 1974 in respect to GLADYS GENTILE, a teacher in the Comsewogue Elementary School, wherein he declared and represented that on that date he discussed with this teacher his evaluation of her teaching abilities, which declaration and representation was knowingly and intentionally false.

Date of Notice: April 15, 1975

PIERINA ROBERTO, District Clerk
BROOKHAVEN-COMSEWOGUE SCHOOL DISTRI

Attached is a copy of the rights of tenured employees under Section 3020-A of the Education Law. A copy of this charge is being forwarded to the New York State Commissioner of Education, as required by law.

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THE UNIVERSITY OF THE STATE OF NEW YORK
THE STATE EDUCATION DEPARTMENT
DIVISION OF EDUCATIONAL MANAGEMENT SERVICES
ALBANY, NEW YORK 12210

SUPPLEMENTAL NOTIFICATION OF BOARD VOTE
DETERMINATION OF PROBABLE CAUSE
SECTION 3020-A, EDUCATION LAW

To: The Commissioner of Education

This finding of probable cause was affirmed by the following Board members, constituting a majority:

1) WILLIAM MARTIN
2) FRANK D'ADDARIO
3) JEROME FLESCHER
4) ARTHUR HOWARD
5) PETER SAPIENZA
6) LEWIS WEINERMAN

The following Board members, constituting a minority, voted against a finding of probable cause:

1) EDRIS CLARK

Date: April 15, 1975

PIERINA ROBERTO, District Clerk

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10

THE UNIVERSITY OF THE STATE OF NEW YORK
THE STATE EDUCATION DEPARTMENT
DIVISION OF EDUCATIONAL MANAGEMENT SERVICES
ALBANY, NEW YORK 12210

NOTICE OF DETERMINATION OF PROBABLE CAUSE ON CHARGES BROUGHT AGAINST TENURED SCHOOL DISTRICT EMPLOYEE
SECTION 3020-A
EDUCATION LAW

To: ROBERT JOHNSON

Please be advised that the Board of Education of the BROOKHAVEN-COMSEWOGUE SCHOOL DISTRICT, 400 Jayne Boulevard, Port Jefferson Station, New York 11776, meeting in executive session on April 14, 1975, has found that there is probable cause for the following charge preferred against you by JOHN W. WALLEN, School District Principal:

SIXTH CHARGE: That in respect to Charges 1 through 5 inclusive, the said ROBERT J. JOHNSON in each and every circumstance set forth therein requested, demanded, induced and compelled the affected teachers, being the said GLADYS GENTILE and MAUREEN SPANOS, to become a signatory to their respective evaluation reports, thereby requiring and compelling them to falsely certify, declare and report that they were evaluated by the said ROBERT J. JOHNSON on days when, in fact, no such evaluations transpired, and that they discussed their evaluation reports with the said ROBERT J. JOHNSON on days when, in fact, no such discussions transpired.

Date of Notice: April 15, 1975

PIERINA ROBERTO, District Clerk
BROOKHAVEN-COMSEWOGUE SCHOOL DISTRI

Attached is a copy of the rights of tenured employees under Section 3020-A of the Education Law. A copy of this charge is being forwarded to the New York State Commissioner of Education, as required by law.

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11

THE UNIVERSITY OF THE STATE OF NEW YORK
THE STATE EDUCATION DEPARTMENT
DIVISION OF EDUCATIONAL MANAGEMENT SERVICES
ALBANY, NEW YORK 12210

SUPPLEMENTAL NOTIFICATION OF BOARD VOTE
DETERMINATION OF PROBABLE CAUSE
SECTION 3020-A, EDUCATION LAW

To: The Commissioner of Education

This finding of probable cause was affirmed by the following Board members, constituting a majority:

1) WILLIAM MARTIN
2) FRANK D'ADDARIO
3) JEROME FLESCHER
4) ARTHUR HOWARD
5) PETER SAPIENZA
6) LEWIS WEINERMAN

The following Board members, constituting a minority, voted against a finding of probable cause:

NONE.

The following Board members, constituting a minority, abstained on the finding of probable cause:

1) EDRIS CLARK

Date: April 15, 1975

PIERINA ROBERTO, District Clerk

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12

THE UNIVERSITY OF THE STATE OF NEW YORK
THE STATE EDUCATION DEPARTMENT
DIVISION OF EDUCATIONAL MANAGEMENT SERVICES
ALBANY, NEW YORK 12210

NOTICE OF DETERMINATION OF PROBABLE CAUSE ON CHARGES BROUGHT AGAINST TENURED SCHOOL DISTRICT EMPLOYEE
SECTION 3020-A EDUCATION LAW

To: ROBERT J. JOHNSON

Please be advised that the Board of Education of the BROOKHAVEN-COMSEWOGUE SCHOOL DISTRICT, 400 Jayne Boulevard, Port Jefferson Station, New York 11776, meeting in executive session on May 12, 1975, has found that there is probable cause for the following charge preferred against you by JOHN W. WALLEN, School District Principal:

CHARGE: That on November 6, 1973, ROBERT J. JOHNSON, a tenured employee of the BROOKHAVEN-COMSEWOGUE SCHOOL DISTRICT, being at that time the Principal of the Comsewogue Elementary School, purported to evaluate GLADYS GENTILE, a teacher in the Comsewogue Elementary School, certifying to and reporting such an evaluation on a certain prescribed TEACHER EVALUATION FORM, when in fact no such evaluation transpired on this date, his certification and report being knowingly and intentionally false; and said ROBERT J. JOHNSON purported to sign and execute this form on November 6, 1973 wherein he declared and represented that on that date he discussed with this teacher his evaluation of her teaching abilities, which declaration and representation was knowingly and intentionally false.

Date of Notice: May 13, 1975

PIERINA ROBERTO, District Clerk
BROOKHAVEN-COMSEWOGUE SCHOOL DISTR

Attached is a copy of the rights of tenured employees under Section 3020-A of the Education Law. A copy of this charge is being forwarded to the New York State Commissioner of Education, as required by law.

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13

THE UNIVERSITY OF THE STATE OF NEW YORK
THE STATE EDUCATION DEPARTMENT
DIVISION OF EDUCATIONAL MANAGEMENT SERVICES
ALBANY, NEW YORK 12210

SUPPLEMENTAL NOTIFICATION OF BOARD VOTE
DETERMINATION OF PROBABLE CAUSE
SECTION 3020-A, EDUCATION LAW

To: The Commissioner of Education

This finding of probable cause was affirmed by the following Board members, constituting a majority:

1) WILLIAM MARTIN
2) FRANK D'ADDARIO
3) JEROME FLESCHER
4) ARTHUR HOWARD
5) PETER SAPIENZA
6) LEWIS WEINERMAN
7) EDRIS CLARK

The following Board members, constituting a minority, voted against a finding of probable cause:

NONE

Date: May 13, 1975

Pierina Roberto
PIERINA ROBERTO, District Clerk

14

COMSEWOGUE SCHOOL DISTRICT
Port Jefferson Station, New York

MEMORANDUM

TO: All Building Principals - Mr. R. J. Johnson, Comsewogue Elem.

FROM: John W. Wallen, District Principal

DATE: January 9, 1975

RE: Tenure Recommendations

The Board of Education has directed that a definite procedure be established for all future tenure recommendations made by building principals. This will include complete back-up materials to be submitted with EACH recommendation as follows:

1. Copies of all observations.
2. Copies of significant memos (reprimands, commendations, etc.)
3. Attendance records for the entire 3-year period.
4. Certification status.
5. Principal's recommendation in writing supporting favorable action on tenure.
6. District Principal (or agent) recommendation.

The first five items must be submitted to me for consideration in order to submit my recommendation on each candidate.

Our records indicate that the following teachers from your building will be eligible for tenure on the dates indicated:

Gentile, Gladys - 9/1/75

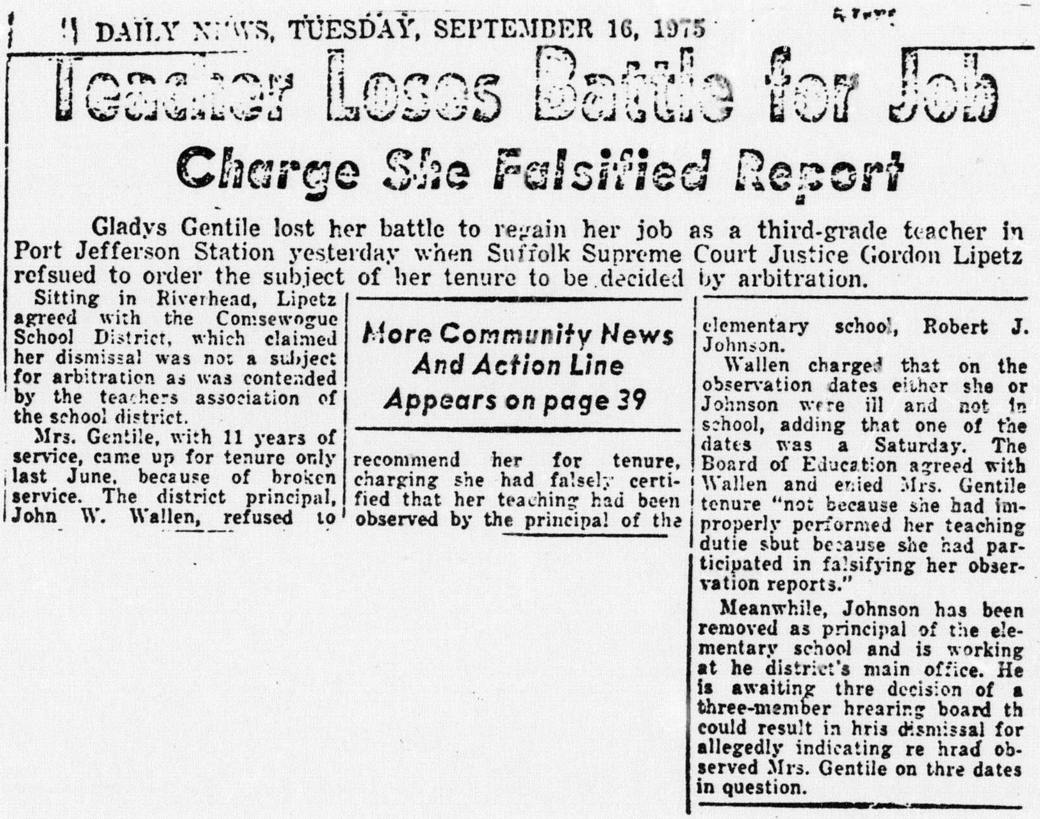
Spanos, Maureen - 2/1/76

Please be sure to submit your recommendations to my office, including the abovementioned back-up material, by April 1 for fall anniversary dates, and by September 30 for mid-year anniversary dates.

✓
15

JWW/pn

Exhibit K Annexed to Affidavit
New York Daily News article, 9/16/75



DAILY NEWS, TUESDAY, SEPTEMBER 16, 1975

Teacher Loses Battle for Job

Charge She Falsified Report

Gladys Gentile lost her battle to regain her job as a third-grade teacher in Port Jefferson Station yesterday when Suffolk Supreme Court Justice Gordon Lipetz refsued to order the subject of her tenure to be decided by arbitration.

Sitting in Riverhead, Lipetz agreed with the Comsewogue School District, which claimed her dismissal was not a subject for arbitration as was contended by the teachers association of the school district.

Mrs. Gentile, with 11 years of service, came up for tenure only last June, because of broken service. The district principal, John W. Wallen, refused to recommend her for tenure, charging she had falsely certified that her teaching had been observed by the principal of the elementary school, Robert J. Johnson.

Wallen charged that on the observation dates either she or Johnson were ill and not in school, adding that one of the dates was a Saturday. The Board of Education agreed with Wallen and enied Mrs. Gentile tenure "not because she had improperly performed her teaching dutie sbut because she had participated in falsifying her observation reports."

Meanwhile, Johnson has been removed as principal of the elementary school and is working at he district's main office. He is awaiting thre decision of a three-member hrearing board th could result in hris dismissal for allegedly indicating re hrad observed Mrs. Gentile on thre dates in question.

More Community News
And Action Line
Appears on page 39

Exhibit K.

Exhibit L, 1-16 Annexed to Affidavit
Responses to Letters of Application to School Districts
in Suffolk County

Middle Island Central School District

ROCKY POINT YAPHANK ROAD
MIDDLE ISLAND NEW YORK 11953

TELEPHONE (516) XXXXXX 345-2786

MR JOHN ANASTASI
District Principal

MR BERNARD HEANEY
Asst District Principal

MR MARVIN ROECKLEIN
rector of Elementary Education

CORAM SCHOOL
Mr Donald Kirouac, Principal
Mt. Sinai Road
Coram, N.Y 11727

ONGWOOD HIGH SCHOOL
Mr John F. Quirk, Principal
Longwood Road
Middle Island, N.Y 11953

MIDDLE SCHOOL
Mr Mario DiSciullo, Principal
Rocky Point-Yaphank Road
Middle Island, N.Y 11953

RIDGE SCHOOL
Miss Marilynn Weber, Principal
Ridge Road
Ridge, N.Y 11961

ARLES E WALTERS SCHOOL
Mr John Sanborn, Principal
Rocky Point-Yaphank Road
Yaphank, N.Y 11980

EST MIDDLE ISLAND SCHOOL
Dr Alcuin Walker, Principal
Swezey Lane
Middle Island, N.Y 11953

March 29, 1976

Mrs. Gladys Gentile
102 Jefferson Avenue
Port Jefferson, New York

Dear Applicant:

This will acknowledge receipt of your application for a position in our school district. At this time we do not have a position open in your area, however, we will keep your application on file should a vacancy develop.

Thank you for your interest in our schools and we wish you success in your future endeavors.

Very truly yours,

Bernard J. Heaney
ab

Bernard J. Heaney

BJH/ab

Ex. L
1

Middle Island Central Schools
District No. 12
JOHN ANASTASI
DISTRICT PRINCIPAL
ROCKY POINT - YAPHANK ROAD
MIDDLE ISLAND, NEW YORK 11953

BERNARD J. HEANEY
SISTANT DISTRICT PRINCIPAL

Telephone: 345-2786

THOMAS S. WHITEHEAD
ADMINISTRATIVE ASSISTANT

February 26, 1976

Mrs. Gladys Gentile
102 Jefferson Avenue
Port Jefferson, New York 11777

Re: Vocal Music Position

Dear Mrs. Gentile:

In reference to your interview for a position in our school district, we wish to inform you that the position has been filled.

We wish to thank you for your interest in our schools. Your application will be kept in our active file for one year. During that period you will be considered should a vacancy occur.

Very truly yours,

Bernard J. Heaney
Bernard J. Heaney

BJH/ab

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SHOREHAM - WADING RIVER
CENTRAL SCHOOL DISTRICT
SHOREHAM, NEW YORK 11786

TELEPHONE: (516) 744-7800

DR. J. KENNETH GORMAN
ASSISTANT DISTRICT PRINCIPAL
FOR INSTRUCTION

Dear Applicant:

Thank you for your interest in the Shoreham-Wading River Schools. If you return the enclosed application we will be able to determine if your qualifications match our needs. We will then contact you.

Yours truly,

J. Kenneth Gorman

J. Kenneth Gorman,
Assistant District
Principal

JKG:f

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MILLER PLACE UNION FREE SCHOOL DISTRICT

Miller Place, New York, 11764

Dear Applicant:

Due to the cost of postage and the large volume of applications being received, we will not acknowledge receipt of your application.

If we find, after our initial workup, that your qualifications and background suggest that we go on and conduct a personal interview, we will call you. We would appreciate your refraining from calling us.

I wish to thank you for your interest in Miller Place School District.

Very truly yours,

Daniel J. Tobin
Curriculum Director

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Brentwood Public Schools
Brentwood, New York 11717

October 30, 1975

Ms. Gladys Gentile
102 Jefferson Ave.
Port Jefferson, New York 11777

Dear Ms. Gentile:

This is to acknowledge the receipt of your letter and/or resume dated October 20, 1975.

Please be advised that at the present time we have no openings in the area of Elementary Education. However, your letter and/or resume will be kept on file and should positions become available in the near future it will be our pleasure to contact you further.

Thank you for your interest in the Brentwood Public Schools.

Very truly yours,

Arthur R. Brieger

Arthur R. Brieger, Ed. D.
Assistant Superintendent
for Instrictional Services

ARB/ek

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WEST ISLIP PUBLIC SCHOOLS
WEST ISLIP UNION FREE SCHOOL DISTRICT
WEST ISLIP, LONG ISLAND, N. Y.
11795

DR. PAUL E. KIRDAHY
ASSISTANT SUPERINTENDENT
ELEMENTARY EDUCATION

October 30, 1975

Miss Gladys Gentile
102 Jefferson Ave.
Port Jefferson, N.Y. 11777

Dear Miss Gentile:

In response to your inquiry about a teaching position in the West Islip Public Schools, I am enclosing an application form. In as much as student enrollments have become more stabilized in this district, most of our staff openings are for replacement needs which are difficult to anticipate. It is our policy to accept applications in advance for any positions which may materialize at a later date.

Please complete the application form and return it to me. If an interview appears advisable I shall contact you.

Sincerely yours,

Paul E. Kirdahy

Paul E. Kirdahy, Ed.D.
Assistant Superintendent

PEK:jhe
Enclosure

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AMAGANSETT COMMON SCHOOL DISTRICT
AMAGANSETT, NEW YORK 11930

October 31, 1975

Miss Gladys Gentile
102 Jefferson Avenue
Port Jefferson, New York 11777

Dear Miss Gentile:

In reply to your recent communication, we anticipate no openings for the coming school year, but I shall be happy to place your letter on file for possible reference.

For information regarding opportunities in this general area, I suggest that you write to the Office of the District Superintendent of Schools, 215 Old Riverhead Road, Westhampton Beach, New York 11978.

Very truly yours,

H G Schneider
Harrison G. Schneider
District Principal

HGS:js

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7

Greenport Public Schools
GREENPORT, N. Y.

October 31, 1975

Ms. Gladys Gentile
102 Jefferson Avenue
Port Jefferson, New York 11777

Dear Ms. Gentile:

Thank you for your letter of recent date inquiring about a teaching position within the Greenport School District.

I regret to say that we do not now have any vacancy in your area of certification for the coming year. However, I will keep your letter of application in our active file, and will notify you immediately if and when an appropriate vacancy occurs.

We regret that we must reply by a form letter. However, we assure you that we are interested in all candidates as individuals.

Sincerely yours,

John J. Kalish

John J. Kalish
District Principal

JJK:jl

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Cold Spring Harbor Central School District

ADMINISTRATION BUILDING
334 MAIN STREET
COLD SPRING HARBOR, NEW YORK 11724

ADMINISTRATIVE OFFICE
(516) 692-8036

October 31, 1975

Miss Gladys Gentile
102 Jefferson Avenue
Port Jefferson, N.Y. 11777

Dear Miss Gentile:

We do not anticipate an opening for the 1975-76 school year at this time.

We will keep your inquiry on file in the event an opening does occur.

Thank you for your interest in the Cold Spring Harbor Schools.

Sincerely yours,

Daniel R. Moerdyk

Daniel R. Moerdyk
Administrative Assistant

rcd

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SOUTHAMPTON PUBLIC SCHOOLS
70 Leland Lane
Southampton, New York 11968

Mr. Laurie M. Patterson
Assistant Superintendent
Tel: 516-283-6800

November 4, 1975

Gladys Gentile
102 Jefferson Avenue
Port Jefferson, N.Y. 11777

Dear Ms. Gentile:

Thank you for your interest in the Southampton public schools.

At present we do not have, nor do we anticipate any vacancies in your area. However, we will keep your letter active should the need arise.

I wish you success in your future endeavors.

Very truly yours,

Laurie M. Patterson

Laurie M. Patterson

LMP/mhm

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10

HAMPTON BAYS SCHOOLS
88 Argonne Road
Hampton Bays, New York 11946

Telephone
516-728-0420

November 4, 1975

Ms. Gladys Gentile
102 Jefferson Avenue
Port Jefferson, N.Y. 11777

Dear Ms. Gentile:

We have your letter concerning a teaching position in our schools.

At the present time we do not expect any openings in your field.

Thank you for your interest in our school district.

Sincerely,

Walter Schumacher

Walter Schumacher
District Principal

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EAST HAMPTON UNION FREE SCHOOL DISTRICT
76 NEWTOWN LANE
EAST HAMPTON, N. Y. 11937
TELEPHONE 516 324-4100

November 6, 1975

Ms. Glayds Gentile
102 Jefferson Avenue
Port Jefferson, NY 11777

Dear Ms. Gentile:

Thank you for your recent inquiry regarding the possibility of placement in our school system.

Although there is at present no opening in your field; we shall keep your letter on file and notify you should a vacancy occur within the next two years.

Sincerely yours,

Robert J. Freidah

Robert J. Freidah
District Principal

bw

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12

LINDENHURST PUBLIC SCHOOLS

ADMINISTRATION BUILDING • 141 SCHOOL STREET • LINDENHURST, NEW YORK 11757 • 226-6498

FOSTER HOFF
SUPERINTENDENT OF SCHOOLS

FELIX J. TORROMEO
ASSISTANT SUPERINTENDENT

November 12, 1975

Dear Candidate:

Please be advised that at the present time we have no teaching openings in your area of interest. However, we shall be more than happy to keep your letter on file should a vacancy occur.

Thank you for your interest in our district.

Sincerely yours,

Felix J. Torromeo

Felix J. Torromeo
Assistant Superintendent

FJT:ms

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13

ROCKY POINT PUBLIC SCHOOLS
DISTRICT OFFICE
ROCKY POINT - YAPHANK ROAD
ROCKY POINT, LONG ISLAND NEW YORK 11778
(516) 744-1600

FRANK J. CARASITI
District Principal
EDWARD J. SWENSEN
Assistant District Principal

BOARD OF EDUCATION
ARTHUR J. EDWARDS, President
WILLIAM J. TURSELLINO, Vice President
DOMINIC LASURDO
ALEXANDER B. MAIN
JUNE SCHMIDT
GRACE KREJCI, Clerk
WILLIAM GUSTAFSON, Treasurer

September 3, 1975

Ms. Galdys Gentile
102 Jefferson Avenue
Port Jefferson, NY 11777

Dear Ms. Gentile:

As per your request you will find enclosed an application for a teaching position within our District. However, we do not have nor do we anticipate any openings for the coming school year.

Your application, however, will be placed in our files for future reference, if you wish to complete it.

Sincerely yours,

Edward J. Swensen mf

Edward J. Swensen
Assistant District Principal

EJS/mf
Enclosure

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14

HUNTINGTON UNION FREE SCHOOL DISTRICT (#3)
P. O. Box 1500
Huntington, New York 11743

Dear Applicant:

We are glad to forward you an application for employment in our school system. There are no vacancies at this time but please complete the enclosed application and return it to us.

When your application is received, it will be placed in file and will be reviewed as positions become vacant in your area of interest. Please consider this an acknowledgement of your application and our assurance that your candidacy will be reviewed as vacancies occur.

Thank you for your interest in the Huntington (#3) Schools.

Sincerely,

Christopher R. Vagts

Christopher R. Vagts
Assistant Superintendent

CRV:lf
Enc.

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12/4/75

Thank you for your interest in the Center Moriches Union Free School District. At this time, we do not anticipate an opening in your area for the school year. However, we will keep your letter on file, and contact you in the event that a position develops.

Fenner
Assistant
nnel

Very truly yours,

William F. Culhane
District Principal

75-76

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pondence individually as we would

Sachem Central Schools will not be able to anticipate what vacancies, if any, we will have for the 1976-77 school year until late in May of 1976. Prior to this date, applications will be received and references sent for in many cases. After review of applications and references, a limited number of interviews may be scheduled; however, very few appointments will be made until late spring of 1976.

We are enclosing an application which you may forward to my office. We will not be able to acknowledge the receipt of all applications as time and help does not allow us this courtesy.

Thank you for your interest in Sachem Central Schools. We shall contact you for an interview if circumstances warrant.

May I wish you success in locating a position satisfactory to you.

Very truly yours,

Donald J. Fenner

Donald J. Fenner
Administrative Assistant
for Personnel

DJF:rms

Enclosure

SACHEM CENTRAL SCHOOL DISTRICT AT HOLBROOK
Holbrook, New York

Richard A. Berger
Superintendent of Schools

Donald J. Fenner
Administrative Assistant
for Personnel

December 2, 1975

Ms. Gladys Gentile
102 Jefferson Avenue
Port Jefferson, NY 11777

Dear Applicant:

Please forgive us for the need to use a form letter, but due to the tremendous volume of mail requesting information concerning teaching positions in Sachem Central Schools, we are unable to answer all correspondence individually as we would like.

Sachem Central Schools will not be able to anticipate what vacancies, if any, we will have for the 1976-77 school year until late in May of 1976. Prior to this date, applications will be received and references sent for in many cases. After review of applications and references, a limited number of interviews may be scheduled; however, very few appointments will be made until late spring of 1976.

We are enclosing an application which you may forward to my office. We will not be able to acknowledge the receipt of all applications as time and help does not allow us this courtesy.

Thank you for your interest in Sachem Central Schools. We shall contact you for an interview if circumstances warrant.

May I wish you success in locating a position satisfactory to you.

Very truly yours,

Donald J. Fenner

Donald J. Fenner
Administrative Assistant
for Personnel

DJF:rms

Enclosure

Exhibit M, 1-22, Annexed to Affidavit
Applications from School Districts in Suffolk County

Classroom Teacher &/or Music Teacher
Position For Which You Are Applying

December 1975
Date of Application

NORTH BABYLON UNION FREE SCHOOL DISTRICT

North Babylon, New York
Mohawk 9-1400

Professional Application Blank

PERSONAL DATA

Name Gentile, Gladys Newbold
(Last Name) (First Name) (Middle Name)

Permanent Address 102 Jefferson Ave. Phone 473-1969
Port Jefferson, NY 11777 Phone —

Professional Address None

PERSONAL INFORMATION

Date of Birth 6/9/46 Place of Birth Freeport N.Y. Height 5'6" Weight 133
Marital Status - Married ✓ Single ___ If married, how many children 2
Spouse's Occupation Guidance Counselor
Any defect in sight or hearing? Corrected Vision Other physical defects? None
Are you a citizen of the United States? Yes ✓ No ___ By birth ✓ Naturalized ___
If no, have you made application for citizenship? Yes ___ No ___ Date ___
Have you served in the Armed Services? Yes — No — Branch of Service —
Rank ___ Type of Work ___ Length of Service ___
Type of Discharge - Honorable ___ Dishonorable ___ Disability ___
If you have not had Military Service, what is your present Military classification? ___
Have you ever been convicted of a misdemeanor or any other crime? Yes ___ No ✓
Have you ever used or do you currently use marijuana or any other form of narcotics? Yes ___ No ✓
If yes, explain ___
Do you subscribe to and agree to support the Federal and State Constitutions? Yes ✓ No ___

PROFESSIONAL INFORMATION

Do you possess a New York State Teachers Certificate? Yes ✓ No ___
If no, have you applied for a New York State Teachers Certificate? Yes ___ No ___ and have transcripts been sent by your College or University to the Bureau of Certification State Education Department, Albany, New York? Yes ___ No ___ When? ___
Placement folder may be obtained from the following Bureau or Agency:
Name SUNY Potsdam Address SUNY Potsdam
Do you belong to the New York State Retirement System? Yes ✓ No ___
If yes, what is your Retirement Number? ___
Reason for leaving present position: (Please describe) Not applicable.
What is the earliest date you will be available? Immediately.
What is the minimum salary you would accept? Appropriate to position
By whom was the North Babylon School System recommended to you? No one.

m

PROFESSIONAL EXPERIENCE

Max. Salary Earned Per Year	Name of School	Location	Kind of Work Grades Subjects	Length of Service Yrs.-Mos.	Dates From-To	Teachers in System	Reason for Leaving
15,700	Comsewogue Elementary	Port Jefferson Station	Kdgn 2,3	9 yrs (4 yrs out maternity)	1962-1975	275	Not Reappointed
5,000	Phoenix Central	Phoenix, NY	Music	1 yr.	1961-1962	?	Relocation/family
4800	Mohonasen Central	Rotterdam NY	Music	3 yrs	1958-1961	?	Married & Relocation
					------		

OTHER OCCUPATIONAL EXPERIENCE

Max. Salary Earned Per Year	Name of Company	Location	Type of Work	Dates From-To	Reason for Leaving
				------	

EDUCATION AND PROFESSIONAL TRAINING

Name and Location of Institution. Include High School, College, Graduate Work and Summer Sessions in Order Taken	Dates From-To	Credits	Degree or Diploma Received	Major Area	Minor Area
Oceanside High School	1950-1954		Regents Diploma. College Preparatory		
SUNY, Potsdam	1954-1958	132	B.S.	Music Ed.	Viola
SUNY Potsdam	Summer 1960	8			
SUNY Oswego	1961-1962 Summ.	17	Elementary Ed. Certification		
C.W. Post	1963	3			
Adelphi	1966	3	31 Total Graduate Credits		

CANDIDATE'S STATEMENT

The candidate may here comment regarding other experience or special abilities, such as coaching, etc., which may contribute to teaching success and service. Candidates are free to write a brief summary of their beliefs regarding teaching at the grade level or in the subject area of interest. Any additional brief comments which may assist the North Babylon Public Schools to arrive at the best estimate of the candidate's qualifications should be included in this statement.

My years of varied successful assignments is evidenced by the highly favorable evaluations of my performance made by several administrators, indicate that I am a thoroughly competent teacher. I have participated in the training of new teachers as sponsor teacher for students of education, and student teachers.

REFERENCES

Please list those who can best furnish information about you and your work. (e.g. Principals, Supervisors)

Name	Address	Official Position
Constantine Basile	Comsewogue Elementary 51 Terryville Rd. P.J.S.	Acting Principal
Robert Johnson	Box Mt. Sinai	Principal
Brendan Sheedy	Comsewogue Elementary School 51 Terryville Rd. Port Jefferson Sta.	Reading Consultant/Teacher

I hereby certify that all statements on this application, (including statements attached hereto) are correct and honest statements, to the best of my knowledge.

Gladys A. Gentile
(Signature of Applicant)

PLEASE RETURN TO:
District Principal
North Babylon Public Schools
5 Jardine Place
North Babylon, New York

CANDIDATES PLEASE DO NOT WRITE BELOW THIS LINE

Interviewed and/or Observed by: ____________ Date ______ Position ____________

Assistant District Principal's Interview and/or Observation: ____________

District Principal's Recommendation:

FOR OFFICE USE ONLY: Training Level ________ Step ________ Salary ________

Service to Begin ____________

Middle Island Central Schools
District No. 12
APPLICATION FORM

MR. JOHN ANASTASI
District Principal

Date Mar. 18, 1976

NAME (Please Print) Mr. Mrs. Miss Gentile (Last) Gladys (First) N (Middle initial) Newbold (Maiden)

Address Permanent: 102 Jefferson Ave, Port Jefferson NY Telephone 473 7969

Telephone

Temporary:

When will you be available to begin teaching in the Middle Island Schools: Immediately

Date of Birth 6/9/36 Age 39 Ht. 5'7" Wt. 132 Citizen Yes Marital Status M No. of Children 2

N.Y.S. Teachers Retirement System No. ~~[illegible]~~ 410345

Social Security Number 131 28 3957

Position for which application is being submitted: (Indicate subject; if elementary indicate grades in order of preference)

Elementary 3,2,Kdgn,4,5,6 Middle School

Sr. High Special Music

Do you have a New York State Teacher's Certificate Yes Permanent ✓ Provisional

Number and Date of Certification 131 283957 Subjects for which your Certificate is valid Music 9/10/N-1

Have you applied for Certification Date you applied

When do you expect to be Certified Will your Certification be Provisional or Permanent

Present Draft Status

EDUCATIONAL PREPARATION

Name of School and Location	DEGREE OR HRS. CRED.	YR. OF GRAD.	DATES OF ATTEND.	MAJOR & MINOR
High School	Oceanside H.S.	1954	1950-54	Regents, College Prep.
College	SUNY Potsdam	1958	1954-58	Music Ed. Viola
University	SUNY Potsdam	1960		Elem Ed. Music
Graduate Work	SUNY Oswego	June 1964		
Other Courses	C.W. Post, Adelphi			
	(31.4) Graduate Credits			

PRACTICE TEACHING EXPERIENCE

NAME OF SCHOOL and LOCATION	SUPERVISING TEACHER	GRADE	DATES

TEACHING EXPERIENCE

NAME OF SCHOOL and LOCATION	GRADE OR SUBJECT	DATES	SALARY	REASONS FOR LEAVING
[illegible] Central Sch. Potsdam N.Y.	Music	1958-61	-	To be married
Phoenix Central Sch. Phoenix	Music	1961-62		To Relocate
Comsewogue	K Gr. 2 3	62	6000	Husband's j
Port Jefferson Station	Music.	75	5020	[illegible]

Activities you feel qualified to direct: Elementary Choral groups, rhythm groups, Orchestras

Special Skills: Musical: violin/viola, voice, some piano & other
Other Drama, Handcrafts, Sewing, Gardening

NON - TEACHING EXPERIENCE

(Include military service)

NAME OF FIRM OR ORGANIZATION	ADDRESS	POSITION	DATES

MOST RECENT REFERENCES

(Three required. Especially superintendents and principals)

NAME	ADDRESS	PHONE	POSITION
Constantine [illegible]	Comsewogue Elem	473-8100	Principal
Robert [illegible]	Comsewogue Elem	473-8100	Principal
Brendan Sheedy	Comsewogue Elem	473-8100	Reading Supervisor
Howard [illegible]	Norwood School	473-8100	Principal
Walter Rice	Terryville School	473-8100	Principal

Illness (during last 3 years) flu, cold or two Time lost 2½ wks [illegible]

Were you ever convicted of a felony or crime? No Explain

PROFESSIONAL MEMBERSHIPS	ACTIVE COMMUNITY MEMBERSHIPS
NYSUT, NEA	Museums at Stony Brook Chamber Orchestra

AVOCATIONAL INTERESTS OR HOBBIES	EXTENSIVE TRAVEL	
	Place	Dates
Music - Playing & Singing, Crafts, [illegible] Knitting, [illegible] Crewel Needlework	Europe (Western)	Summer of 1960
Sports: Tennis, Swimming, Reading, Travel	Puerto Rico	Feb. 1975

PROFESSIONAL CONTRIBUTIONS (articles, books, periodical literature, etc.)

(For office use only)

(Initial)				COMMENTS

SMITHTOWN CENTRAL SCHOOL DISTRICT

EDGEWOOD AVENUE
ST. JAMES, N. Y. 11780

PERSONAL DATA:

TEACHER'S APPLICATION for the Position of: Elementary Classroom Teacher (Subject or Grade) Music (Strings) I prefer 3, 2, K, 4, 5 (Grade Level)

NAME: Gladys Gentile Date of Birth 6 / 9 / 36 / (mo. day yr.) Ht. 5' 7" Wgt. 128

Permanent Address: 102 Jefferson Avenue
Port Jefferson, N. Y. 11777

Soc. Sec. No. 131-28-3957

Tel. 473-7969

Present Address: Same

Tel.

(Please Check) Single: Married: X No. of Children: 2

When Can You Begin Work? 9/1

Present Position: Elem. Teacher School: Comsewogue Elem.

Present Salary: $15,700

EDUCATIONAL RECORD:

Category	Name of Institution and Location	Dates (Month & Year) From — To	Degree or Diploma and Date Received	Credit Hrs. Beyond Last Degree	Areas of Specialization
High School	Oceanside H. S.	1950-1954	Regents Dip.		Coll. Prep.
					Major Music
Under Graduate	S.U.N.Y. Potsdam	1954-1958	B. S.	34	Minor Viola
				8	Major Music
Graduate	S.U.NY. Potsdam	6/26/60		17	Minor Read. &[illegible]
	S.U.N.Y. Oswego	7/61-7/62		3	Major Psych.
	C.W. Post	9/63		3	Minor "
Graduate	Adelphi Suff.	8/65			

TEACHING CERTIFICATION:

VALID TO TEACH OR ADMINISTER	Date Granted	State	Type (Perm., Prov., Etc.)	Expires
N-6 and Music	1958	N. Y.	Perm.	Life

If Not Certified, Do You Agree To Immediately Obtain An Evaluation Of Your Preparation From The Bureau of Teacher Certification Of The New York State Education Department And To Take Not Less Than Six (6) Semester Hours Per Year To Complete The Deficiencies Indicated: Yes .... No ....

STUDENT TEACHING EXPERIENCE:

School and Location: Messina: 1 quarter - Freeport - 1 quarter

Grade and/or Subject: Music: Vocal, Strings, Band Date: From 1/57 To 6/57

Name of College Supervisor: et. al. Address: S.U.NY. Potsdam

Name of Cooperating Teacher: Wettlauffer, Jackson

TEACHING EXPERIENCE:

School Name	Location (District and Community)	Dates		No. of Months	Subject or Grade
		From	To		
Mohonasen Central	Rotterdam, N. Y.	9/58	6/61		4-12 Mu
Phoenix Central	Phoenix, N. Y.	9/61	6/62		N-6 Mu
Comsewogue Elementary	Pt. Jeff. Sta., N.Y.	9/62	6/75		K, 2 3, Musi

MILITARY SERVICE:

Branch of Service:

Active Service — From: / / (month day year) To: / / (month day year)

Type of Discharge:

HEALTH DATA: (Please Answer The Following Fully. You May Be Asked To Take A Physical Examination At The Time Of Appointment).

(A) Are You Under Treatment For Any Mental, Nervous Or Physical Condition At The Present Time:
Yes .... No X

(B) Have You Had Any Operations, Injuries, Or Physical Or Mental Conditions Still Under Treatment Or Cured In The Past Five (5) Years? Yes .... No X

(C) Do You Have Any Physical Handicaps? No Please Specify

APPLICANT'S STATEMENT: Include In Part A & B Any Significant Travel, Professional Membership, Published Writings, Extra-Curricular Activities, Honors, Positions of Leadership, And The Like.

(A) I Participated In: Europe, (Music, Art, Architecture) Museums of Stony Brook, Chamber Orchestra

(B) I Can Lead Or Coach: Orchestra, Elem. Choral, Drama, Crafts

(C) In The Space Below Please Add Any Further Information You Think May Be Of Interest To Your Employer. (If This Space Is Inadequate Please Attach An Additional Sheet).

COMMENTS:

RECOMMENDATIONS: (List The Names Of Three References As Indicated. We Shall Assume All Of These People May Be Approached. If The References Requested Are In Your Placement Folder, Please Write This Information In Place Of References).

(A) Supervisor (Present Or Most Recent):

(Name)	(Position)	(Business Address)
Constantino G. Basile	Acting Principal	Comsewogue Elem. 51 Terryville Rd. Port Jeff. Sta., N.Y.
(B) Other: Robert J. Johnson	Principal	(As above)
(C) Other: Walter Rice	Principal	Terryville School 200 Terryville Rd. Port Jeff. Sta., N.Y

MISCELLANEOUS DATA:

(A) Have You Ever Been Arrested (Excluding Traffic Violations)? Yes .... No X

If Yes, Were You Convicted? ....

(B) What Is The Best Time For An Interview? Normal Business Hours-Any day.

I Offer The Above In Support Of My Application For A Teaching Position With The Smithtown Central School District No. 1, And Certify That All Statements Are True And Accurate.

DATE: 7/18/75

SIGNATURE: Gladys Gentile

Mr. DeVine 289-2200 Ext. 217

BOARD of COOPERATIVE EDUCATIONAL SERVICES
SECOND SUPERVISORY DISTRICT, SUFFOLK COUNTY
201 SUNRISE HIGHWAY, PATCHOGUE, N.Y. 11772
(516) 289-2200

AREA EDUCATION TEACHER APPLICATION

PLEASE RETURN APPLICATION TO THE
ATTENTION OF: Mr. DeVine
at above address

APPLICATION FOR POSITION AS
TEACHER OF Strings (Music)

DATE July 1975

Miss / Mrs. / Mr. Gentile, Gladys N Newhall
LAST NAME FIRST M.I. MAIDEN

ADDRESS 108 Jefferson Ave
Port Jefferson
NY
ZIP 11777
Area Code & Telephone No. (516) 473-7969

Age 39
Citizen of U.S.? Yes
Social Security Number 131-28-3957
Emergency Telephone No. 473-7969

Earliest Date Available for Employment Sept. 1, 1975

CERTIFICATION DATA

TEACHERS' RETIREMENT DATA

Do you have a New York State Teachers' Certificate? Yes

Provisional

Permanent ✓

Date of Certification

Certificate Number 13128 3957

Subjects for which Certificate is Valid N-6

Music K-12

Are you an active member? Yes

Membership Number 410345

What is your rate of contribution? —%

5 %

8 %

11%

ERSONAL DATA

Check appropriate boxes

(1) Marital Status: Single ☐ Married ☑ Divorced ☐ Separated ☐ Spouse Living? ☐ No ☑ Yes

Number of Children: Boys 1 Ages 8½ Girls 1 Ages 2½

(2) Height: 5'1" Weight: 128 Birthdate: 6/9/36

(3) Military Service: — NO. OF YRS. BRANCH RANK

Date of Discharge: — Present Status: —

(4) Have you ever been arrested and convicted of any crime? No

If yes, indicate details

(5) Have you ever been treated for emotional or mental illness? No

⑥ Have you ever, or are you now taking narcotics? No!

If YES to ⑤ and/or ⑥ please explain

EDUCATIONAL & PROFESSIONAL TRAINING

	NAME of SCHOOL or INSTITUTION. Include CITY & STATE	COURSE	DIPLOMA or DEGREE	YEAR of GRAD.	DATES of ATTENDANCE from	to	SEMESTER HOURS CREDIT
HIGH SCHOOL	Oceanside H.S. Oceanside N.Y.	College Prep	Regents	1954	1950	54	X X X X
COLLEGE (under graduate)	SUNY Potsdam Crane Dept. Music	Music Ed.	B.S. Music Ed.	1958	1954	1958	
GRADUATE WORK	SUNY Potsdam						8
	SUNY Oswego						18
	C.W. Post						3
	Adelphi Suffolk						3

PERIENCE

Include teaching, business and military • Leave no period undefined • Start with last employer first.

PRESENT EMPLOYER WILL BE CONTACTED IF YOU BECOME ONE OF THREE FINALISTS

NAME and ADDRESS of EMPLOYER	POSITION & SALARY	DUTIES and SUPERVISOR	REASON for LEAVING	DATES FROM	TO
Comsewogue Schools 400 Jayne Blvd Port Jeff. NY 11776	1. (K, 2, 3, Music) Teacher		Inclusive	Sept 1962	June 1975

Phoenix Central Schools Phoenix N.Y.	Teacher	Elementary Music + Choral	Relocation of family	1961	1962
Mohonasen Central Schools Rotterdam N.Y.	Teacher	Instrumental Strings & Vocal	[illegible] married or relocated	1958	1961

REFERENCES

Give three references, including especially superintendents and principals under whom you have taught or those who have first hand knowledge of your character, personality, scholarship, teaching ability or work experience.

	NAME	POSITION	ADDRESS
1	Robert J. Johnson	Principal	Comsewogue Elem. Sch. 51 Terryville Rd. Port Jeff Sta
2	Walter Rice	Principal [illegible]	Norwood Ave School, N.Y. Norwood Ave. Port Jeff Sta. N.Y.
3	Joan Royce	District Principal	88 Granby Rd. Granby, Conn. 06035

DATE July 30 1975 SIGNATURE: Gladys M. Gentile

BEST COPY AVAILABLE

Please Note: Your signature will indicate approval for this office to contact your references if you are among the three finalists. Any false statement on this application may jeopardize possible employment.

For use by BOCES only: Date of Interview: ______________

Persons conducting interview______________ ______________ ______________

COMMENTS:

2

Teaching Position For Which You Are Applying:
Regular (X) Substitute ( )

THREE VILLAGE CENTRAL SCHOOL DISTRICT

Setauket, New York 11733

1 Elementay Classroom - K-6
Grade Subject

2 Music Strings- Elementary
Grade Subject

3 Music General- Elementary
Grade Subject

PERSONAL DATA

1. Circle: Mr. Mrs. Miss Gentile, Gladys (last) (first) (Newbold) (middle or maiden) Date 7/18/75
2. Home Address 102 Jefferson Ave. Port Jefferson, N.Y. 11777 (Street & No.) (City) (State) (Zip) Telephone 473-7079 (Code) (Number)

Present Address (Street & No.) (City) (State) (Zip) Telephone (Code) (Number)

3. Age 39 Date of Birth 6/9/36 Place of Birth Freeport, N. Y.
4. ☐ Male ☒ Female Height 5'7" Weight 128 Citizenship: ☒ U.S.A.; ☐ Other
5. Marital Status: ☐ Single; ☒ Married; ☐ Other
6. Number of children 2 Their ages 5, 8
7. Are you a relative of anyone presently employed by the Three Village Central School District? No.

If so, please state name and relationship. (name) (relationship)

8. Condition of health past two years: ☒ Excellent; ☐ Good; ☐ Fair;
9. Have you ever been refused life insurance? No Status of Hearing Excell Vision Corrected to Normal
10. Days lost because of illness during the past two years Avg. per year 9 days

BEST COPY AVAILABLE

Note: Successful applicants will be required to submit a report of a physical examination by a doctor and a report of a chest x-ray prior to or immediately upon assumption of duties, and to take vision and hearing test to be given by school nurse.

11. Present Position Elem. Teacher Location Comsewogue Elem. School Salary $15,700

12. Why do you wish to leave present position? High interest in teaching more varied and enriched curriculum.

13. Date when you will be available for position 9/1/75

14. Best time you can be contacted to arrange for interview:

Normal Business Hours-Any day.

473-7969
telephone number

PROFESSIONAL ACTIVITIES

Inservice - curriculum, pupil personnel, etc. (indicate your part and time spent):

Professional organizations to which you belong: N. E. A. N.Y.S.U.T.

Professional magazines regularly read: Psychology Today, Today's Education, The Instructor, Elementary Mathematics

Professional books recently read: Children: The Challenge; Dreikurs, Toward a Theory of Instruction; Bruner Beyond Words; Higgins, The Magic Years, Frailberg

Travel (where, when, purpose): February '75-Puerto Rico: Tropical Rain Forest and Tropical Region, Europe, '61, Culture; Music, Art, Architecture, Geo.,Lang. New England States; Current 5 years: Regional Geography, Economics, et. al.

What are some of your special professional interest and concerns?

One of my greatest professional interests and concerns is in individualizing instruction, and in attaining success with unusual and/or especially difficult children. My goal with each class is to identify the special needs of each child, socially and academically, and to attempt to help meet these needs working closely with the children.

Another special professional goal is to provide as enriched instructional program as possible: (ecology, the arts, music, arts, poetry, drama, et. al.)

CERTIFICATION INFORMATION

Note: It is the practice of the Three Village Central School District to recruit teachers throughout the nation. Therefore, the lack of a New York State Certificate should not discourage application to this district. The district provides to new teachers assistance in completing New York State certification.

A—I hereby certify that I hold a teaching certificate issued by the University of the State of New York as follows (copy exact wording from certificate):

Title of certification N-6 and Music (principal's, counselor's, teacher's) Form Permanent (provisional, permanent)

Field validity Music (subject area or areas) Type of school Elementary (elementary, secondary)

Valid from Life (date) to (expiration date)

New York certificate no. 131-28-3957 Date issued 1958

B—Any candidate not officially licensed to teach in the public schools of New York State (outside of New York City) should give the status of his application, if any, as follows (check one):

Application submitted to and approved by the N.Y.S. Department of Education; license forthcoming ____

Application filed - - decision pending ____ Application not filed ____

C—Licenses held from other states; type and issuing authority ____

D—Social Security number 131-28-3957

E—Are you a member of New York State Retirement System? Yes Retirement Number 410345

EDUCATIONAL and PROFESSIONAL TRAINING

Level of Study	Name of Institution	Location		Dates Attended			Degree
		Town or City	State	From	To	Date	
Secondary	OceansideHS	Oceanside,	N. Y.	1950	1954		xxxxxxxxx
							xxxxxxxxx
College or University (Undergraduate)	S.U.NY.	Potsdam,	N. Y.	1954	1958		B. S.
							Degree or Semester Hours
Graduate	S.U.N.Y.	Potsdam,	N. Y.	6/60	8/60		
	S.U.N.Y.	Oswego,	N. Y.	7/61	7/62		
	C.W. Post	Brookville,	N. Y.	9/63			
	Adelphi Suff.	Oakdale,	N. Y.	8/65			

STUDENT TEACHING EXPERIENCE

From		To		School	Location		Grade and/or Subjects
Mo.	Yr.	Mo.	Yr.		Town or City	State	
1	57	4	57	Messina Cen.	Messina, N.Y.		Music, Vocal, Strings
4	57	6	57	Freeport	Freeport, N. Y.		Band, Chorus, et. al.

EDUCATIONAL EXPERIENCE — Exclusive of Student Teaching (List in chronological order)

From		To		School	Location		Nature of Position State also Grades/Subj. Taught	No. Yrs.
Mo.	Yr.	Mo.	Yr.		Town or City	State		
9	58	6	61	Mohonasen Cen.	Rotterdam, N. Y.		4-12 Music	
9	61	6	62	Phoenix Cen.	Phoenix, N. Y.		N-6 Music	
9	62	6	75	Comsewogue Elem	Pt. Jeff. Sta., N.Y.		K, 2, 3, Music	

OTHER WORK EXPERIENCE — business, trades, summer occupations, social services, scouting, recreation, settlement work, etc. (list in chronological order).

From		To		Firm, Institution, etc,	Nature of Work	No. of Months
Mo.	Yr.	Mo.	Yr.			
7	57	8	57	Massapequa Day Nurs.	Nursery Education	2 mo.
7	58	8	58	" " "	" "	2 mo.
	1966		1967	Yaphank Coop. Nursery	Director Nursery School	12 mo.

MILITARY SERVICE
(Refers to Active Duty Only)

Branch of Service	Total Number of Months of Service	Highest Rank Attained	Nature of Assignment

REFERENCES

Give five references, including especially superintendents and principals under whom you have taught, and who have first-hand knowledge of your scholarship, and teaching ability. Include your present employer, if any.

Name	Position	Present Address	Telephone No.
1. Constantino G. Basile	Act. Principal	51 Terryville Rd. Pt. Jeff. Sta., N.Y.	473-8100 ex. 280
2. Robert J. Johnson	Principal	(Same as Above)	473-8100 x248
3. Walter Rice	Principal	200 Terryville Rd. Pt. Jeff. Sta., N. Y.	473-8100x280
4. Deane Royce	District Principal	58 Granby Rd. Granby, Conn. 06035	
5. Brenden Sheedy	Read. Spec.	51 Terryville Rd., Pt. Jeff. Sta., N.Y	

If your placement papers may be obtained from a College Placement Bureau or from some central agency, give name and address S. U. N. Y. Potsdam, Potsdam, N. Y.

Have you ever failed of re-election or have you ever been discharged from a school position? No

If so, please explain

What is your primary reason for applying to teach in the Three Village Central School District?

1. Opportunity for professional experience of a high caliber.

2. Desire to teach in my regional community.

Can you be observed at this time while teaching your own classes? No

Would it be possible for you to demonstrate-teach a class in our district? Definitely

Have you ever been convicted of any crime (excluding traffic violations)? No

If so, give details

I hereby certify that all answers to these questions and all statements on this application are true, and I agree and understand that the making of a false statement on this application or the withholding of information pertinent to my candidacy, constitutes grounds for immediate dismissal.

Date 7/75

Gladys Gentile
(Signature of Applicant)

MILLER PLACE PUBLIC SCHOOLS

Miller Place, New York
11764

(516) 473 – 0123

APPLICATION FOR APPOINTMENT
TO A
PROFESSIONAL POSITION

DO NOT WRITE IN THIS SPACE

ENCLOSURES:

REFERENCES ________ INTERVIEW RECORDS ________

TRANSCRIPTS ________ OTHER ( ) ________

FOLLOW-UP RECORD	INITIALS	DATE
APPLICATION ACKNOWLEDGED		
INTERVIEW - SUPV. PRINCIPAL		
INTERVIEW - PRINCIPAL		
INTERVIEW - (OTHER)		
CLASSROOM VISITATION		
APPOINTMENT OFFERED		
APPOINTMENT ACCEPTED		

PLACEMENT

SCHOOL	GRADE	DATE POSITION BEGINS

SCHEDULE	STEP	SALARY

DATE OF TENURE

Date Nov. 28, 1975

Please Print
Miss
Mrs.
Name Mr. Gladys (FIRST) Ann (MIDDLE) Gentile (LAST) Newbold (MAIDEN NAME)

Present Address 102 Jefferson Ave., Port Jefferson

Telephone 473-7969

Permanent Address (if different from above) as above

Telephone

DIRECTIONS

1. Fill out this application accurately and completely, including license information.
2. Add by letter any supplementary information that will provide a more complete estimate of your qualifications.
3. Interviews will be arranged by appointment.
4. Application should be sent to: SUPERVISING PRINCIPAL; HIGH SCHOOL PRINCIPAL; or ELEMENTARY SCHOOL PRINCIPAL.

POSITION DESIRED

Teacher, Principal, Supervisor, etc. Teacher

Elementary School — Grades Kdgn.-6 (Grades in order of preference) grade 3, 2, Kdgn, 4, 5 ; Music: elementary strings or vocal

Junior High School — Grades 7-8 (Subjects in order of preference)

Senior High School — Grades 9-12 (Subjects in order of preference)

Other (Specify)

PERSONAL DATA

Date of Birth 6/9/36 (MO. DAY YEAR) Sex (M. F.) (CIRCLE ONE) Marital Status (S. M. W. D.) (CIRCLE ONE) No. Chn. 2 Ages of Chn. 8½, 5½

Height 5' 6" Weight 133 Are you a citizen of the United States? Yes

General Health Very Good Physical Defects None.

How much time have you lost from work on account of personal illness during the last three years?

Have you ever been rejected for insurance? No

Are you a member of the N.Y.S. Teachers' Retirement System? Yes

If yes, your retirement number 410345 and percentage Social Security No. 131-28-8957

LICENSE INFORMATION

A. I hereby certify that I hold a teaching certificate issued by the University of the State of New York as follows (Copy exact wording from certificate):

Title of certificate Teacher (Classroom) : N-6 ; Music K-12 (PRINCIPAL'S, COUNSELOR'S, TEACHER'S) Form Permanent (PROVISIONAL, PERMANENT)

Field validity N-6 . Music (SUBJECT AREA OR AREAS) Type of school Elementary N-6; K-12 Music (ELEMENTARY, SECONDARY)

Valid from 1958 (DATE) To None (EXPIRATION DATE)

Certificate No. 131-28 8957 Issued 1958

B. A candidate not officially licensed to teach in the public schools of New York State outside of New York City should give the status of his application, if any, as follows (check one):

Application submitted to and approved by the N.Y.S. Department of Education; license forthcoming ....

Application filed — decision pending .... *Application not filed ....

C. Other licenses held; type and issuing authority ....

....

EDUCATION AND PROFESSIONAL TRAINING

SCHOOLS ATTENDED	NAME AND LOCATION	DATES ATTENDED	COURSES OR MAJOR SUBJECTS	DEGREE RECEIVED	SEMESTER HOURS
HIGH SCHOOL	Oceanside H.S. Oceanside, N.Y.	1950-54	College Prep.	Regents	
COLLEGE	SUNY Potsdam, N.Y.	1954-1958	Music Ed.	B.S.	132
GRAD. SCHOOL	SUNY Potsdam & Oswego	1960-63	(Elem. Ed.)	25	
OTHER	C.W. Post, Westbury	1963	Psychology	3	
	Adelphi, Oakdale	1965	Psychology	3	

31 Certificat
for Elem. E

Presently matriculated for .... degree at ....

Expect degree to be conferred about .... MONTH .... YEAR

TEACHING (PROFESSIONAL) EXPERIENCE

List in chronological order beginning with most recent position (include student teaching if teaching experience does not total three years):

DATES	NAME OF SCHOOL	LOCATION	GRADE/SUBJECT	NO. YEARS TAUGHT	LAST YEAR SALARY
1962-1975 (with interruptions)	Comsewogue	Port Jeff Sta	Kdgn, Grade 2,3	9	$15,700
1961-62	Phoenix Central	Phoenix, N.Y	Music - elementary	1	
1958-61	Mohonasen Central	Rotterdam, N.Y.	Music: Strings	3	

WORK EXPERIENCE OTHER THAN TEACHING

DATES	FIRM OR INSTITUTION	NATURE OF WORK	NO. OF MONTHS

MILITARY SERVICE

(REFERS TO ACTIVE DUTY ONLY)

BRANCH OF SERVICE	TOTAL NUMBER OF MONTHS OF SERVICE	HIGHEST RANK ATTAINED	NATURE OF ASSIGNMENT

What has prompted your decision to make application to this School District? Since my family is well established in this area (Port Jeff) I am seeking employment in the surrounding school districts including Miller Place.

What are your professional goals and/or future plans? To continue the pursuit of my profession - e.g. Teaching in elementary school - indefinitely!

What kinds of extracurricular activity would you be interested in supervising? Indicate with an asterisk those in which you have had some experience. * Elementary Chorus: Boys*, Girls* or Mixed*;

List the professional organizations to which you belong. NYSUT, NEA

Significant professional achievements (articles, group leadership, offices in professional organizations, etc.)

REFERENCES

Give five references, including especially superintendents and principals under whom you have taught, who have first-hand knowledge of your character, personality, scholarship, and teaching ability. If presently employed, include your present employer.

	NAME	POSITION	PRESENT ADDRESS	TELEPHONE NO.	DATES EMPLOYED OR KNOWN
1	Robert R. Johnson	Principal	Mt. Sinai, N.Y.	473- 9396	1964 1975 > Prin
2	Constantine Basile	Acting Principal	Conneuque Elementary 51 Terryville Rd	473-810 Ext.	1975 to present
3	Walter Rice	Principal	Terryville Rd School 40 Terryville Rd.	473- 8100 Ext.	1965 to present
4	Brendan Sheedy Reading Supervisor	Reading Supervisor	Conneuque Elem. 51 Terryville Rd.	473-8100 Ext.	1960's to present
5	Dean Royce	District Principal & Bldg. Principal	Granby, Conn.		

Does your present employer know that you are seeking employment in the Miller Place School District? Not applicable.

Name of present employer None

Why do you wish to leave your present position? Not applicable.

Have you ever failed of re-appointment? Yes

Have you ever been discharged from a school position? No

NOTE:

1. Candidates should notify College Placement Office to forward Placement Forms and Transcripts to the Miller Place School District.
2. This application should be submitted together with photocopies of all official certification licenses which the candidate possesses.

PLEASE DO NOT WRITE IN THIS SPACE
FOR USE OF ISLIP PUBLIC SCHOOLS ONLY

__________ Transcripts Received
__________ Confidential folder Received

FOLLOW-UP	Initials	Date
Application Acknowledged		
Interview Placement		
Interview Building		
Interview Central Office		
Classroom Visitation		
Appointed Elsewhere		

Date Position Begins __________
School __________ Grade ______ Step ______

ISLIP PUBLIC SCHOOLS
UNION FREE SCHOOL DISTRICT NO. 2
215 MAIN STREET
ISLIP, NEW YORK 11751

Melvin R. Blieberg, *District Principal*

PROFESSIONAL APPLICATION

PLEASE PRINT

~~Miss~~ Mrs. ~~Mr.~~ Gentile (LAST) — (MIDDLE) — Gladys (FIRST) — Newbold (MAIDEN NAME)

Present Address 102 Jefferson Ave.
Port Jefferson (City) NY (State) 11777 (Zip Code) Telephone 473-7969 (Area Code)

Permanent Address (If different from above) as above

City — State — Zip Code — Telephone — Area Code

Best Time to Contact Weekdays 9-5

POSITION DESIRED

Position: Teacher; 3, 2, Kdgn., 4, 5, Music: Strings, Elementary
List position, grade, or subject in order of preference you wish to apply.)

Regular ✓

Substitute
licenses which the candidate possesses

RETURN THIS APPLICATION TO:

Vincent E. Trainor, *Assistant District Principal*
Islip Public Schools
215 Main Street
Islip, New York 11751
516-581-2560

m

PERSONAL DATA

Date of birth 6/9/36 Birthplace Freeport, N.Y. Age 39 Sex F

Marital Status ____ No. of children 2 Ages of children 5, 8 yrs.

Height 5' 6" Weight 133 Are you a citizen of the United States? Yes

Condition of health for past two years Excellent

Any defects in sight or hearing? No Any other physical or mental defect? No

Have you ever been treated for a nervous or mental condition? No If yes, when? ____

Date of last complete physical examination October 1975

Are you a member of the New York State Teachers' Retirement System? Yes

If yes, your retirement number 410345 and your percentage rate (Vesting)

Social Security Number 131-28-3957

Waiver - Yes ____ or No ____

Are you a member of a teachers' association? (Yes [✓ No])

If so, what?

Have you ever held an office in an organization of any kind? No

If so, what?

When will you be available? Immediately Are you under contract? No

Expiration of Contract

Present Salary None Minimum salary you would accept appropriate for position

Please underscore any of the following which you are able to direct or coach successfully: debates, [✓ school plays], oratorical contests, [✓ orchestra], [✓ clubs], soccer, football, baseball, track, tennis, basketball, calisthenics, playground activities, school paper or [✓ yearbook].

Others

CERTIFICATION INFORMATION

Certificates Held:

State	Certificate Number	Date Issued	Provisional or Permanent	Qualified To Teach
New York	131 28 5957	1958	Permanent	Music K-12 Elementary N-6

If you are not certified, have you applied? Yes No

Official application and transcripts submitted to the N.Y.S. Department of Education (Teacher Certification) for certification in the fields of

and When?

State Dept. of Education has (a) Approved (b) Not Answered

(c) Indicated semester hours of deficiencies.

MT. SINAI PUBLIC SCHOOL
Mt. Sinai, Long Island, N.Y.

APPLICATION FOR TEACHING POSITION

(Name of Applicant) Gentile (Last) Gladys (First) Newbold (Maiden)

Present Address 102 Jefferson Ave, Port Jefferson N.Y.

Phone 473-7969

Permanent Address as above

Phone

Position Desired Teacher - Elementary Classroom K-6

PERSONAL DATA

LEASE PRINT OR TYPE

1. Date of Birth 6/9/36 2. Place of Birth Freeport N.Y.

3. Are you married? Yes 4. Number of children? 2

5. Condition of health for past two years Excellent

6. List Physical Defects None

7. Organizations to which you belong: Musicians at Stony Brook Chamber Orchestra, Museum Crafts

8. List college activities and any honors received: Symphony Orchestra, Chorus, Chamber Jazz, Drama Productions

9. What are your hobbies? Music: Sing, Quartet, Orchestra Needlework & crafts, Chorale Reading, Tennis, Gardening

10. Can you sing? Play the piano? Teach music?

11. Underscore any of the following which you are able to direct or coach successfully: School Plays, Orchestra, Band, Debate Clubs, Oratorical Contest, Tennis, Football, LaCrosse, Basketball, Track, Baseball, Soccer, Playground Activities, School Paper, Audio-Visual Activities.

12. Reason for leaving last position. See Below

13. Were you ever denied Tenure? ...Yes.......... If yes, please explain The dist. school admini
trator did not put forth my name for a tenure appointment despite the recommendations of my immediate supervisor and my record of performan
within the school district.

REFERENCES

	Name	Mailing Address	Official Position
Professional	Robert Johnson	Box 302 Mt. Sinai	Bldg. Princip
Professional	C. Basile	Comsewogue Elem. Sch. St. Terryville Rd.	Bldg. Principal
Professional	Walter Rice	Port Jeff. Sta.	Bldg. Principal
Character		Terryville School Port Jeff. Sta. N.Y.	
Character	Ernestine Gudzik	Lowell Place, Port Jeff.	Teacher

Placement Office Registered: Yes......; No X.....; If yes: Name and Address ....

[illegible] — Name of Applicant

Reg. [illegible] 1st, 2, 4, — Position Desired (Grade or Subject)

102 Jefferson Ave. Port Jefferson N.Y. 11777 — Address

473 1969 — Phone

✓ Elementary

Date ....19 ....; Date available ....

Gladys M. Gentile — Signature of Applicant

INTERVIEW No. 1

Date ....

Initials ....

1 2 3 4 5

INTERVIEW No. 2

Date ....

Initials ....

1 2 3 4 5

Reserved for Ass't. Superintendent

1. N.Y.State ....
2. Out of State ....
3. Military ....
4. Related ....
5. Other ....
6. Total Allowable Years ....
7. Salary ....
8. Remarks: ....

EDUCATIONAL TRAINING

	Name and Location of School	Course or Major	Degree, Diploma or Credit	Date
HIGH SCHOOL	Oceanside H.S. Oceanside N.Y.	College Entr.	Regents	1954
COLLEGE	SUNY Potsdam	Music Ed.	B.S.	1958
UNIVERSITY				
GRADUATE WORK	SUNY Potsdam & Oswego C.W. Post, Adelphi Suffolk.	Elem. Ed.	31 grad. credits	1960- 1967

NEW YORK STATE CERTIFICATION

Grade or Subject	Valid until	Certificate No.	Certificate other than N.Y.S.
Common Branch N-6 Music K-12	Permanent	131-28-3957	

TEACHING EXPERIENCE

Name and Location	Subject or Grade	Date From	Date To	No. of Tch. in System	No. of Months	Last Salary	Principal or Supervisor
Comsewogue Elementary Terryville Rd, Port Jeff. Sta.	Kdgn. & 2, 3	1962	1975	250	approx. 13 yrs	15,7[illegible]	K. Johnson
Phoenix Central School, Phoenix N.Y.	(Music Elem.)	1961-62		(?)00	10	—	M. Rowland
[illegible] Central Schools Potsdam, N.Y.	Music Strings & Vocal	1958 1961		?100	3 yrs	—	Baston Williams

PRACTICE TEACHING

Name and Location of School	Subject or Grade	Times per week	Hours per day	No. of weeks	Name of Critic Teacher

184

EDUCATIONAL AND PROFESSIONAL TRAINING

SCHOOLS ATTENDED	NAME AND LOCATION	DATES ATTENDED	COURSES or MAJOR SUBJECTS	DEGREE RECEIVED and NUMBER OF CREDITS
High School	Oceanside High School	1950-1954	College Prep. Regents	Regents Diploma
University or College	SUNY, Potsdam	1954-58	Music Ed.	B.S., Music Education
	SUTC, Potsdam	1960 Summer	Music in Europe	(8)
Graduate School	SUTC. Oswego	Summer 1960, 1962	Elementary Education	(17)
	C.W. Post		Mental Hygiene	3
Other	Adelphi		Psych. of Retarded	3
				31

EXPERIENCE IN EDUCATION

TEACHING: List in chronological order beginning with present position (include student teaching if teaching experience does not total three years):

DATES From To	NAME OF INSTITUTION	ADDRESS	GRADE/SUBJECT	NO. OF YEARS	REASON FOR LEAVING
962-75	Comsewogue (Elementary)	200 Jayne Blvd. Port Jeff Sta.	Kdgn, 2, 3	9	[illegible] (Excised)
1961-1962	Phoenix Central	Phoenix N.Y.	Music	1	Husbands Transferred
1958-61	Mohonasen Central	Rotterdam N.Y.	Music	3	Married & Reloca

OTHER WORK AND EXPERIENCE

Indicate business, trades, summer occupations, church work, social services, Scouting, recreation, and other.

DATES	FIRM or INSTITUTION	ADDRESS	NATURE OF WORK	NO. OF MONTHS	REASON FOR LEAVING

What prompted your decision to make application to this School District? Locale: I am seeking employment within my normal commuting area.

MILITARY SERVICE

(REFERS TO ACTIVE DUTY ONLY)

BRANCH OF SERVICE	TOTAL NUMBER OF MONTHS	RANK ATTAINED AT DISCHARGE	TYPE OF DISCHARGE	CURRENT STATUS

REFERENCES

Give four active references, including in particular administrators and supervisors with whom you have worked and those who have first-hand knowledge of your character, personality, scholarship, and teaching ability. Avoid listing friends and acquaintances who may never have worked with you.

NAME	POSITION	PRESENT ADDRESS	TELEPHONE NUMBER (include area code)
1. Walter Rice	Principal	Terryville Elem. 900 Terryville Rd	928-1374
2. Constantine Basile	Acting Principal	Comsewogue Elementary, 5 Terryville Rd	473-5100
3. Robert Johnson	Principal	Box Mt. Sinai, N.Y.	473-9395
4. Dean Royce	Principal, District Principal (Retired)		

If your placement papers may be obtained from a College Placement Bureau or from some central agency, give name and address: ....

Dec 1, 1975
Date

Gladys N. Gentile
Signature of Applicant

Any additional information you feel helpful to your application should be attached.

DO NOT WRITE IN THIS SPACE. This space for use of interviewer and school official.

BEST COPY AVAILABLE

WILLIAM FLOYD SCHOOL DISTRICT
Union Free School District #32
Mastic Beach, N. Y. 11951
(516) 281-3020

This application when completed should be returned to:

Director of Personnel
District Office
William Floyd School System
240 Mastic Beach Road
Mastic Beach, New York 11951

APPLICATION FOR PROFESSIONAL POSITION

Miss [✓ Mrs.] Mr. Dr.

Date Dec. 1, 1975

Gentile (Last Name) Gladys (First Name) N (M.I.) Newbold (Maiden Name)

Birthplace Freeport N.Y. Citizen of U.S.? Yes ✓ No

Present Address 102 Jefferson Ave. (Number and Street)
Port Jefferson, N.Y.

Area Code Telephone 516 423-2969

Zip Code 11777

Permanent Address as above (Number and Street)

Area Code Telephone as above

Zip Code

When will you be available to begin teaching in the Schools? Immediately

Position for which application is being submitted: (Indicate subject and/or grade levels in order of preference)

Teaching 2,3, Kdg, 4 (Grade) &/or Music: Elementary &/or Strings Pupil Personnel (Area)

Administration (Area)

Do you have a Teacher's Certificate? Yes State in which held N.Y. Perm. ✓ Prov.
Do you have an Administrators Certificate? No Perm. Prov.
Date of issue and Number of Certificate(s) 1958 + 68 #131-58 3951
Subjects for which your certificate is valid Common Branch N-6 + Music K-12

If not certified in New York State have you applied for certification?______ Date Applied________

When do you expect to be certified__________ Will your certification be Prov. or Perm.____

Are you a member of the N.Y.S. Retirement System? Yes Retirement Number 410345

Rate of deduction___________ % of Waiver________ Social Security Number 131-28-3957

Do you belong to any other retirement system? No

If yes____
Name of system number

Form: P-6

m

PERSONAL DATA

1. Height 5'6" Weight 133 Date of Birth 6/9/36 Age 39
2. Marital Status: Single___ Married ✓ Divorced___ Widow___ Widower___
3. Condition of hearing Excellent sight Perfect as Corrected
4. Number of years military service___ Branch___ Present Status___
5. Have you ever been arrested and convicted of any crime? No

   If so, indicate details___
6. Have you ever been hospitalized for emotional or mental illness? No
7. General Health: Excellent ✓ Good___ Fair___ Impaired___ (List below any physical defects and indicate the extent to which they modify your activities)

   None

RELATED PROFESSIONAL EXPERIENCE (Travel, private study, lecturing, publications, etc.)

Nature of Experience	Dates From	Dates To
Study & Travel in Europe	Summer 1960	

PROFESSIONAL ORGANIZATIONS (Please indicate all professional organizations to which you belong)

NEA [illegible]

NON-PROFESSIONAL WORK EXPERIENCE (Business, Trades, Summer Occupations, Military Service)

FIRM, INSTITUTION, ETC.	Dates		NATURE OF WORK	NAME AND TITLE OF SUPERVISOR
	From	To		

HOBBIES AND INTERESTS Chamber Orchestra / University Orchestra, String Quartet

RELATED ABILITIES Sewing, Crafts, Needlework

ACTIVITIES YOU COULD COACH OR DIRECT Orchestra, Choral (Elementary) Craft Club
Sewing, Needleworks, Drama

ATION

	Name of School and Location	Degree or Hrs. Cred	Year of Grad	Dates of Attend	MAJOR & MINOR
High School	Oceanside High School, Oceanside, N.Y.		1954	1950-1954	Regents-College Prep.
College	SUNY Potsdam	132	1958	1954-1958	Music Ed. Viola
University		8			
Graduate Work	SUNY Potsdam -	17	Elementary Certification		
Other Courses	SUNY Oswego	3			
	C.W. Post - Westbury Adelphi Suffolk - Oakdale	3			

PRACTICE TEACHING EXPERIENCE (Candidate of one year or less of full-time teaching experience)

Name of School and Location	Supervising Teacher	Grade Subj	Dates

FULL TIME TEACHING EXPERIENCE (List latest experience first, etc.)

Name of School and Location	Grade or Subj.	Dates	No of Years
Comsewogue Elementary, Port Jefferson Station, N.Y.	Kdgn, 2, 3	1962-75 exclusive (4 years for maternity)	9
Phoenix Central, Phoenix, N.Y.	Music	1961-62	1
Mohonasen Central, Rotterdam, N.Y.	Music	1958-61	3

UBSTITUTE TEACHING

Name of School and Location	Grade or Subj.	Dates	No. of Days
Comsewogue District, P.J. Sta.	K-6 + music	1971 1975	90 days

DMINISTRATIVE EXPERIENCE None

Name of School and Location	Position	Dates

ason For Leaving Last Position Not Reappointed

count for all years subsequent to high school graduation to present time.

REFERENCES:

Placement folder is available at: ______________________
(If placement folder is available, please note and omit references. If no folder is available, list below three references to whom reference letters should be sent.)

	NAME	ADDRESS	OCCUPATION	AREA CODE & PHONE #
1.	Constantine Basile	Comsewogue Elem. 51 Terryville Rd. Port Jefferson Station	Acting Principal	473-8100
2.	Walter Rice	Pilgrim Drive Port Jefferson	Principal.	928-1354
3.	Robert Johnson	Box Mt. Sinai NY.	Principal	473-9395

[illegible]w did you learn or hear of the William Floyd School System? Friend____ Newspaper________
Agency______ Placement Office_______ Other Am familiar with regional districts
(Please Specify)

If referred by an agency, please indicate Name______________________

Date of referral__________________ Address______________________

Name of agency personnel officer who referred you______________________

(Answer in own handwriting, not typed)

Indicate here why you think your candidacy should receive favorable consideration in terms of what you can contribute to the educational program of this district. If more space is needed use separate sheet.

My years of experience and favorable evaluations of my performance in classroom indicate that I am thoroughly experienced in the elementary school program. I have been fortunate to be able to develop warm, workable relationships with my students and their parents. Having been a mother myself has proven invaluable in this respect — eg. understanding the children and appreciating their individuality.

personal interview is required before appointment will be made. Is it possible for you o come for this purpose? Yes When? Any weekday

Signature

WEST ISLIP PUBLIC SCHOOLS

APPLICATION

Name Gladys N. Gentile

Present Address ↓ STREET Tel. No.

CITY STATE ZIP CODE

Permanent Address 102 Jefferson Ave. STREET Tel. No. 473 7969

Port Jefferson CITY NY STATE 11777 ZIP CODE

FOR POSITION AS

Teacher: Elementary Grades Kdgn 2,3,4,5

&/or Elementary Music (for Strings) Date Dec. 1 1975

Directions: (1.) Complete application and send to Superintendent of Schools, West Islip Public Schools, West Islip, L.I., New York 11795.

(2.) Have letters of recommendation from references listed and/or placement folder sent to the Superintendent of Schools.

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EDUCATIONAL PREPARATION

	Name and Location	Dates Attended	Courses or Major Subjects	Degree Received Year Graduated
High School	Oceanside H.S. Oceanside N.Y.	1950-54	Music Ed.	B.S. 1958
College(s)	SUNY Potsdam	1954-58	Elementary Education	
Graduate School(s)	SUNY Potsdam	Summer 60		
Others, include In-Service, if any	SUNY Oswego	Summer 61 62		
	C.W. Post	63	31 -	hrs total
	Adelphi Suffolk	65		

STUDENT TEACHING

School	Grade or Subject	Dates

NON-TEACHING WORK EXPERIENCE

Name of Employer	Dates Employed	Salary	Nature of Work

EDUCATIONAL EXPERIENCE

Name of School and Location	Dates Employed	No. of Years	Salary	Nature of Work
Mohonasen Central School	1958–	3	?	Teacher:
Rotterdam N.Y.	1961			Instrumental Music
Phoenix Central, N.Y.	1961-62	1		Elementary Music
Comsewogue	1962–		[illegible]	Kdgn. 2, 3
Port Jefferson Sta. N.Y.	1975	?	$15,700	& Music

PERSONAL DATA

1. Date of Birth 6/9/36 Height 5'6" Weight 133

2. Present Annual Salary —— Annual Salary Acceptable Appropriate for Position

3. When can you take a position? Immediately

4. I hereby certify that I: (Answer either a., b., OR c. AND d.)

   a. Hold a Permanent Teacher certificate to teach K-12 Music; N-6 Common Branch

   b. Have a guarantee from New York State Department of Education that they will certify me to teach .... for the school year ....

   c. Will complete .... hours of work toward proper certificate each year.

   d. (Answer whenever possible) Social Security number is 131 28 3957

   My certificate number is 131 28 3957 My retirement number is 240545

5. In this space write anything about yourself which you think may be of interest to your employer:

6. Extra-Curricular Activities:

Those You Can Direct	Those In Which You Can Assist
Orchestra	Drama
Elementary Chorus	

7. If your were previously employed in a Public School of the State of New York give the name, title and address of the chief administrator of the school system in which you were employed.

Name John Wallen Title District Principal

Address: Comsewogue Schools 400 Jayne Blvd. P.J. Sta. N.Y.

8. REFERENCES: Give at least three references. Two of these references should be professional persons who know you personally.

Name	Address	Occupation
Walter Rice	Pilgrim Drive Port Jefferson, N.Y.	Principal.
Constantine Basile	Comsewogue Elem. 51 Terryville Rd. P.J. Sta	Acting Principal
Robert Johnson	Box 202 Mt. Sinai, N.Y.	Principal.
Brendan Sheedy	Comsewogue Elem. 51 Terryville Rd., P.J. Sta	Reading Specialist

Do Not Write In
This Space

RECOMMENDED ACTION ON APPLICATION

Interviews:

By .... Date .... Comment ....

By .... Date .... Comment ....

By .... Date .... Comment ....

Recommended Action: ....

Date ....

Signed ....
Superintendent of Schools

N.Y.
STATE OF RESIDENCE

Gladys
FIRST

Gentile
LAST NAME

EAST ISLIP SCHOOL DISTRICT

☐	Interview	Certified	☐
☐	Transcript	Non-Certified	☐
☐	Credential	Substitute	☐
☐	Step	Regular	☐
☐	Salary	Area	☐

8 LAUREL AVE., EAST ISLIP, N.Y. 11730

Date Nov. 28, 1975 Position 1. Elementary : 3 2
2. Music Kdg

I. PERSONAL

Name Gentile (LAST, MR. [✓ MRS.] MISS) Gladys (FIRST) N. (MIDDLE) Newbold (MAIDEN) Telephone 473-7969

Present Address 102 Jefferson Ave. (STREET) Port Jefferson (TOWN) N.Y. (STATE) 11777 (ZIP)

Permanent Address as above (STREET) (TOWN) (STATE) (ZIP)

Are you a citizen?	Yes ☑ No ☐	Age Birth date	
Marital Status?	Married	Height/Weight	5 Ft. 6 Inches 133 lbs.
Name of Spouse	Ralph P. Gentile	Social Security #	131-28-3957
Number of Children?	2	NY State Retirement #	410345
Ages of Children?	5 yrs. 8 yrs.	Number of dependents	2
Condition of Health?	Excellent	Salary of last position	$15,700
Physical defects?	None	Years of Military Service	—
Days absent last year	? Not working	Honorable Discharge?	Yes ☐ No ☐
Ever denied tenure?	Yes ☑ No ☐	Do you collect disability?	Yes ☐ No ☒
Ever arrested?	Yes ☐ No ☑	Use of drugs?	Yes ☐ No ☒

1. Music & Elementary 2. —
TEACHING AREA (classroom)

II. PROFESSIONAL:

1. N. Y. State Certification:

Title	Permanent or Provisional	Grade Level/Subject
Teacher Commonbranch & Music	Permanent	K-12 Music; N-6 Common Branch

2. What grades/subjects would you like to teach? Grade 3, 2, Kdg, 4, 5 · Music · Strings +
3. What grades/subjects have you taught? Kdgn, 2, 3 Music: Strings + Elementary Elem
4. What other professions are you trained for? None
5. What instruments can you play? Viola, Piano, Violin,
6. Could you teach art or phys. ed.? Art
7. What languages do you speak?

III. FULL TIME TEACHING EXPERIENCE: List most recent experience first and include student teaching.

No. Yrs. Exp.	Inclus. Dates From To	School District	Location	Grades, Subj. or Position	Name of School	Reason for Leaving
9	1962-1975	Comsewogue	Port Jeff Sta	Kdgn (2,3	Comsewogue	—not reappointed
	(4yrs exclusive for maternity)					
→3	~~[illegible]~~ 1958-61	Mohonasen	Rotterdam, Ny	Music (Elem-H)		to be Married
1	1961-1962	Phoenix Central	Phoenix Ny	Music	Phoenix school	Relocation of family

IV. WORK, SUBSTITUTE, and VOLUNTEER EXPERIENCES: List all practical experience including military service and volunteer work with children. Please list number of days per year as a substitute.

Kind of Work	Inclus. Dates From	To	Location City	State	Name of Employer	Address of Employer
Substitute	Sept 1971	June 72	Comsewogue School District			Port Jefferson Station
	(90 days approx. Incl. Kdg-not Music)					

V. EDUCATIONAL and PROFESSIONAL TRAINING

School	Name of Institution	Dates Attended From	To	Graduation Date	Degree	Major	Minor
High School	Oceanside High School	1950	1954	1954	Regents	College Preparatory	
Undergraduate	SUNY Potsdam	1954	1958				
Graduate							

Total credits beyond last degree 31

Location of Confidential Placement File Originals of 1958 at SUNY Potsdam, neither available

I certify the above information to be an accurate and correct statement.

Gladys D. Gentile
Signature

Please return this application to:

EDWARD J. MILLIKEN
Director of Personnel
East Islip School Dist.
8 Laurel Avenue
East Islip, N.Y. 11730

Other information you feel pertinent to employment:

SHOREHAM - WADING RIVER
CENTRAL SCHOOL DISTRICT
SHOREHAM. NEW YORK 11786

APPLICATION FOR PROFESSIONAL POSITION

DATE Nov. 30, 1975

DR. MR. MS. Gladys Gentile

STREET 102 Jefferson Ave

CITY Port Jefferson STATE N.Y. ZIP 11777

HOME TELEPHONE 473-7969

BUS. TELEPHONE ——

APPLICATION FOR POSITION AS Teacher (TEACHER, ADM., ETC.) OF 1, 2, 3 kdg, Jr. Music, Elem. Strings (GRADES OR SUBJECTS)

APPLICATION CONTINUES ON NEXT PAGE.
DO NOT WRITE BELOW THIS LINE

Appointment Data: (For office use only)

Yrs. Teaching Experience __________

Yrs. Administrative Experience __________

Total Prior Service __________

Salary: __________

Position: __________

School: __________

Appointment Effective: __________

2.

(Please fill out this application in your own handwriting.)

Date Nov. 30, 1975

NAME of applicant Gladys N. Gentile

Married woman's maiden name Newbold

DATE OF BIRTH 6/9/36 Age 39 Height 5'1" Weight 133 Citizen of U.S.? Yes

Single? / Married? Yes Husband or wife living? Yes Divorced? ____ No. of children 2

Physical defects None

N. Y. CERTIFICATION: Permanent ✓ Provisional ____ Certificate No. 13128 3957

Area Music K-12 & Common Branch N-6

EDUCATIONAL PREPARATION including secondary school: (in chronological order)

School name and location	Degree	Diploma Date	Major Subject
Oceanside High School (Oceanside N.Y.)	Regents	1954	College Rep (Academ
SUNY Potsdam	B.S.	1958	Music Education
SUNY Oswego			Elementary Ed
SUNY Potsdam			
CW Post			
Adelphi Suffolk	(31 hrs of graduate credit [illegible] certificate (Certificate requirements inclusive)		

FOREIGN LANGUAGES which you speak fluently: ______

AVOCATIONAL INTERESTS: Hobbies, skills and the like; participation in community activities.

Chamber music, orchestra, string quartet, Preschool
education, (BA of Directress at PCI Montessori)
Sewing, needlework, Reading, Society & environmental
studies & concerns, plants & gardening.

SHOREHAM WADING RIVER

TEACHING AND ADMINISTRATIVE EXPERIENCE: (in chronological order)

Position	School & Address	Salary	Reasons for Changing	Dates	Years of Experience
Teacher (Strings)	Mohonasen Central Rotterdam, N.Y.	4000/4500	Relocation as newlywed	1958-61	3
Teacher (Elem Music)	Phoenix Central Phoenix N.Y.	5000	Husband's Re- location	1961-62	1
Teacher	Comsewogue Port Jefferson Sta.	15,700	Not granted "tenure"	1962- 1975	9

Number of Years of Teaching Experience 13

Number of Years of Administrative Experience ....

Total prior experience 13

Military Service Dates: from __________ to __________

Membership in educational organizations: __________

Travel which has been of educational value: Europe, Puerto Rico, Canada, U.S.A.

NON-TEACHING EXPERIENCE: (in chronological order) Please account for all years since you left H. S.

Nature of Work	Dates	Firm or Organization	Location

REFERENCES: (Three requested, especially school superintendents and principals.)

Name	Address	Position
Walter Rice	Pilgrim Dr., Port Jeff.	Principal
Robert Johnson	Box 202 Mt. Sinai	Principal
Brendan Sheedy	Comsewogue Elem. Sch.	Reading Specialist
Constantine Basile	101 Terryville Rd, P.J. Sta.	Acting Principal

Please also identify the agency (university or commercial) where placement records are available:

SUNY Potsdam, Potsdam N.Y. & SUNY Oswego, Oswego N.Y.

Name	Address
BOCES Supervisory District #2	Sunrise Highway, Patchogue

[Partially typed copy]

4. CANDIDATE'S PAGE: Please use this page to add any additional information you wish.

My varied and extensive experience, both in the cla and special area have helped me in developing into an effective, professional teacher. I've had the opportunity of working with many other highly respected and capable educators on a long term and cooperative basis. I've substituted in all elementary grades with success. I have actively participated in the training and preparation of student teachers from 3 assigned to me as their sponsor teacher. All of the years in the elementary program and all of these, and many other, experiences have strengthened my love of teaching and of working with youngsters. Throughout the time I have actively pursued my interest in music playing in orchestras, shows and string quartets. I have also worked part time as a music teac for BOCES and Comsewogue in 1968. It is my hope th I will again have the opportunity to join a vital, creative educational institution, like yours, to conti ~~the pursuit of~~, my career in education.

Please return your completed
application to:

ASSISTANT DISTRICT PRINCIPAL FOR INSTRUCTION
SHOREHAM - WADING RIVER SCHOOLS
SHOREHAM, LONG ISLAND, NEW YORK 11786

Gladys M. Gentile
Signature

PROCESSING OF APPLICATION

LETTERS	DATE
Acknowledgment	
On File	
Screening	
Position Filled	
Reference Requested	
Interview Requested	
Appointment	

INTERVIEWS

	INITIALS	DATE
Ass't. Dist. Principal		
Building Principal		
Other		
District Principal		

APPLICATION FOR A TEACHING POSITION

Sachem Central School District at Holbrook

245 UNION AVENUE • HOLBROOK, L.I., NEW YORK 11741 • (516) 737-3121

The teaching position for which you are making application is an important position in the Sachem Central School District. An applicant for such a position must offer proof that he possesses high qualities in all areas required for success in the leadership of our children.

NAME Gentile (LAST) Gladys (FIRST) (MIDDLE) Newbold (MAIDEN NAME (IF MARRIED))

PRESENT ADDRESS see below (STREET) (CITY) (STATE) (ZIP) (TELEPHONE NO.)

SOCIAL SECURITY NO. 131-28-3957 POSITION DESIRED Teacher

LEGAL RESIDENCE 102 Jefferson Ave. (STREET), Port Jefferson (CITY OR VILLAGE), Suffolk (COUNTY) N.Y. (STATE) 473-7969 (TELEPHONE NO.)

RESIDENCE FROM December (MONTH) 8, (DAY) 1967 (YEAR) TO December (MONTH) 4 (DAY) 1975 (YEAR)

DATE OF BIRTH 6 (MONTH) 9 (DAY) 36 (YEAR)

HEIGHT 5'7" WEIGHT 133

MARITAL STATUS: (CIRCLE ONE) SINGLE [✓ MARRIED] SEPARATED DIVORCED WIDOWED

NUMBER AND AGES OF CHILDREN 2 aged 5½ & 8½ yrs

m

. EDUCATION

COLLEGE	FROM-TO	MAJOR FIELD OF INTEREST	DIPLOMA OR DEGREE	DATE
SUNY Potsdam	1954-58	Music Education	BS	1958
SUNY Potsdam	Summer 1960	Elementary Ed.	25 semester hrs	
SUNY Oswego	Summer 1961, 62			

2. ADDITIONAL COLLEGE COURSES (not included above)

COLLEGE	LOCATION	COURSES COMPLETED	FROM-TO	SEMESTER HOURS CREDIT
CW Post	LI	Psychology 3hrs		3
Adelphi Suffolk	LI	Psychology 3hrs		3

3. STUDENT TEACHING

SCHOOL	ADDRESS	GRADE OR SUBJECT	NO OF WEEKS

4. CERTIFICATES ISSUED

CERTIFICATE NO.	SUBJECT	DATE ISSUED	TIME VALIDITY	STATE
13128-3957	Music and Common Branch	1968	Life	N.Y.

5. TEACHING EXPERIENCE

SCHOOL	LOCATION	ASSIGNMENT	SALARY	FROM-TO	NO. OF YEARS
Mohonasen Central	Rotterdam N.Y.	(Strings) Teacher-Music		1958-61	3
Phoenix Central	Phoenix N.Y.	Teacher: Music		1961-62	1
Comsewogue	Port Jefferson Sta., N.Y.	Teacher	15,700	1962-75	9

6. HONORS

7. PROFESSIONAL ORGANIZATIONS

8. OFFICES HELD

9. PUBLICATIONS

10. MILITARY SERVICE

a. Date of entry into active service.

b. Date and type of discharge

c. Service serial number

d. Branch of Service

11. MEDICAL HISTORY

Physical Defects None
Corrective Lenses Yes
Disease None
Disability None
Epilepsy No
Hearing Device No
Mental Disorder No
Nervous Disorder No
Psychiatric Care NO

GIVE PARTICULARS ON SHEET FOUR

12. RECORD OF VIOLATIONS

a. Ever arrested? NO
b. Ever indicted? No
c. Ever defendent? NO
d. Ever convicted? NO

GIVE PARTICULARS ON SHEET FOUR

EXPERIENCE OTHER THAN MILITARY OR TEACHING SERVICE

NAME OF EMPLOYER	LOCATION	ASSIGNMENT	SALARY	FROM-TO	NO. OF YEARS

14. REFERENCES: Currently Not employed ;

NAME AND ADDRESS OF IMMEDIATE SUPERVISOR IN CURRENT POSITION: Most Recent see below ↓

NAME	TITLE	TELEPHONE NO.

STREET	CITY	STATE	ZIP

15. OTHER REFERENCES:

	NAME	ADDRESS	OFFICIAL POSITION
1.	Robert Johnson	Box 202 Mt. Sinai	Principal
2.	Constantine Basile	Comsewogue Elem. School	Acting Principal
3.	Brendan Sheedy	51 Terryville Rd., Pt. Jeff. Sta.	Reading Specialist
4.	Walter Rice	Terryville Elem. Sch. 200 Terryville Rd P.J. Sta.	Principal
5.			

16. FROM WHAT COLLEGE PLACEMENT OFFICE CAN YOUR CREDENTIALS BE SECURED?

Enclosed please find copy of my certificate. further information availab. at SUNY Potsdam + Oswego

17. WHO SUGGESTED THAT YOU APPLY FOR A POSITION IN THIS SCHOOL DISTRICT?

—

18. LIST NAME(S) AND RELATIONSHIPS OF ANY RELATIVE(S) EMPLOYED BY THIS SCHOOL DISTRICT.

—

19. GIVE NAME(S) OF ANY FRIEND(S) EMPLOYED BY THIS DISTRICT.

Willa Prince

20. USE THE SPACE ON BACK PAGE FOR ADDITIONAL PERTINENT INFORMATION.

Applicants will suffer no discrimination because of age or national origin

HUNTINGTON PUBLIC SCHOOLS

APPLICATION FORM

RETURN TO

SUPERINTENDENT OF SCHOOLS

Box 1500 . . . Huntington, L. I., New York, 11743

Date

NAME Gladys N. Gentile

Address: Permanent: 102 Jefferson Ave, Port Jefferson N.Y. Tel. 473 7969

Temporary: Tel.

When will you be available to begin teaching in the Huntington Schools: Immediately

Date of Birth 6/9/36 Age 39 Ht. 5'6" Wt. 133 Citizen Yes Marital Status Married No. of Children 2

Are you a member of the N.Y.S. Retirement System Yes Retirement Registration number 401325

Social Security No. 131 28 3957 Rate of deduction

Position for which application is being submitted: (Indicate grade or subject)

Kdgn. ✓ Ele. ✓ Jr. High

Sr. High Special Music Elem and/or Strings

Do you have a New York State Teacher's Certificate Yes Permanent ✓ Provisional

Number and Date of Certification 131 28 3957 Subjects for which your Certificate is valid

K-12 Music & N-6 Common Branch

Have you applied for Certification Date you applied

When do you expect to be Certified Will your Certification be Provisional or Permanent

EDUCATIONAL PREPARATION

Name of School and Location	DEGREE	YR. OF GRAD.	DATES OF ATTEND.	SEMESTER HRS. CRED.
High School Oceanside H.S. Oceanside N.Y.	Regents	1954	1950-54	
College SUNY Potsdam	BS	1958	1954-58	132
University SUNY Oswego				17
Graduate Work SUNY Potsdam				8
Other Courses C.W. Post				3
Adelphi Suffolk				3
				31

If you are not certified, what steps have you taken to become certified?

PRACTICE TEACHING EXPERIENCE

(Candidate of three years or less experience)

NAME OF SCHOOL and LOCATION	SUPERVISING TEACHER	GRADE	DATES

TEACHING EXPERIENCE

NAME OF SCHOOL and LOCATION	GRADE OR SUBJECT	DATES	SALARY	No. OF YEARS
Mohonasen Central Schools	Music: Strings	1958-61		3
Rotterdam N.Y.				
Phoenix Central Schools	Music: Elementary	1961-62		1
Phoenix N.Y.				
Comsewogue Public Schools	(Kdgn., Grade	1962-		9
Port Jefferson Station N.Y.	& Music) 2,3	1975		

Activities you feel qualified to direct: Orchestra, Elementary Choral

Special Skills: ____________________

NON-TEACHING EXPERIENCE

(Include military service)

NAME OF FIRM OR ORGANIZATION	ADDRESS	POSITION	DATES

MOST RECENT REFERENCES

(Three required. Especially superintendents and principals)

NAME	ADDRESS	PHONE	POSITION
Robert Johnson	Box 202 Mt. Sinai	473-9395	Principal
Constantine Kus. Reg.	Comsewogue Elem., Terryville Rd	473-8100	principal
Brendan Sheedy	P.J. Sta. 11776		Reading Specialist

Gladys M. Gentile

Signature of Applicant

Reserved for Ass't Superintendent

1. N.Y. State ____________________
2. Out of State ____________________
3. Military ____________________
4. Related ____________________
5. Other ____________________
6. Total Allowable Years ____________________
7. Salary ____________________
8. Remarks: ____________________

NAME OF APPLICANT Gentile Gladys
(please print) (last name) (first name)

Position applying for Teacher: Elem. 3, 2 Kdgn
Music Elem. Vocal Strings

Title of N.Y. State Certificate ~~Permanent~~ Music
(Common Branch)

NORTHPORT-EAST NORTHPORT
UNION FREE SCHOOL DISTRICT
110 ELWOOD ROAD
NORTHPORT, NEW YORK 11768

Mailing Address: P.O. BOX 210
NORTHPORT, N.Y. 11768

	References	Placement Papers
No. Requested		
No. Received		

Interviewed by

APPLICATION FOR PROFESSIONAL POSITION

Date of Application Dec. 1, 1975

Position for which applying: Teacher: Grade 3, 2 Kdgn, Elementary Music: Vocal Strings
Specify grade and/or subject

Information contained herein will be regarded as confidential. When you are no longer available for appointment, we would appreciate word from you. Please feel free to contact us regarding the status of this application.

Applicant's name: Dr. / Mr. / [✓ Mrs.] / Miss Gentile Gladys N.
(last name) (first name) (middle initial or maiden name)

Present address: 102 Jefferson Ave., Port Jefferson N.Y. 11777

Permanent address: (As above)

Present telephone: 473-7969 Permanent telephone: 473-7969

Date of Birth 2/9/36 Height 5'6" Weight 133 Citizenship American

Do you have any permanent physical disability? None If yes, explain

Condition of health past two years Excellent Days lost due to illness Not applicable

Marital status Married Number and ages of children, if any 5, 8 years

What is your present occupation and salary? Homemaker $ —

When will you be available for employment? Immediately

If presenty employed, why do you wish to change positions?

Have you ever failed at reappointment? or for tenure? Yes

Who referred you to U.F.S.D. #4?

Can you be observed at this time while teaching your own classes? No

When are you available for a personal interview? Weekdays: 9-4 pm

Draft Status: Not applicable

m
15

Northport-East Northport Union Free School District is an Equal Opportunity Employer

Education and Professional training

Name of institution and location, including high school, college, and graduate work in chronological order.	Dates from — to	Degrees and dates received	Points beyond latest degree	Areas of specialization
Oceanside High School	1950	Regents		Major
	1954	Diploma		Minor
SUNY Potsdam	1954	B.S.		Major Music Ed.
SUNY Potsdam	1958			Minor Viola
SUNY Oswego	1958	8 hrs.		~~Major~~ Music in Europe
	1961-62	(M-hrs.)		~~Minor~~ Elementary Ed.
CW Post	1963	3 hrs.		~~Major~~ Psychology
Adephi	1965	3 hrs.		Minor Psychology of Retarded

Transcripts are required to verify above.

Places from which placement folder or folders may be obtained. (Please distinguish between: (1) A teacher's college placement office and an unspecialized college or university placement office; (2) A commercial, State employment or other placement office).

SUNY at Potsdam & Oswego Placement Offices

Enclosed please find photocopy of Certificate

Experience in Teaching and/or Educational Administration (begin with most recent position): Full Time Employment in Day School.

Name and Address of School	Position: Grade or Subject Taught	Dates from – to	Total Years of Service	Work on curriculum studies or special projects
Comsewogue Elem. 51 Terryville Rd. Port Jefferson Station.	Kdgn. 2, 3	1962 1975	9	Kdgn. Curriculum
Phoenix Central	Elem. Music	1961 1962	1	—
Hannibal Central	(Strings) Music	1958 1961	3	String Program

Other Teaching Experience — Student teaching — Day-to-Day Substitute — Part-time — Evening

Substituting	all grades music	1971–72	1	
Elementary Music.	Elem. Vocal	1968	Part time	

Military service (refers to active duty only): When employed in Northport, you will present your discharge papers.

Branch of service	Total number of months of service (give dates)	Nature of assignment

Business employment or other occupations:

Name and address of employer	Dates of employment	Nature of position

Prior to being employed official transcripts of all courses must be on file. If these are not submitted with your application, please arrange to furnish these when required.

Have you a particular interest in teaching children at either end of a scale of mental abilities? Yes

If so, specify your interest? I am concerned with & interested in both gifted + slow learners.

Do you play the piano? Yes any other instrument? Viola, Violin

Can you teach or help direct activities such as art, music, foreign language, dramatics, school paper, other?

(specify) Music: Elementary Chorus, Orchestras elementary thru h.S.
Drama: Elementary

Can you teach and participate in a sports or physical education program and in playground games? Yes

(specify) Early childhood games + activities

LICENSE INFORMATION (Complete A, B, or C.):

A. New York State Certificate(s): Field of Validity: Common Branch K-6; Music K-12

Certificate No.: 131283957 Effective [illegible] A68 Form: Permanent ✓
Provisional
Other

candidate not officially licensed to teach in the public schools of New York State should give the status of his pplication, if any, for certification in New York State.

. Out-of-state license held. (type and issuing authority):

DDITIONAL INFORMATION:

Have you ever been arrested for or convicted of a criminal offense (with the exception of minor traffic iations)? No If so, please attach copies of court records, including disposition of case.

CANDIDATES PAGE

We are interested in any further information about you which may distinguish your application. This might include travel, honors, publications, participation in special programs, etc. We require no essay, only those things you would like to add. (Include separate page only if necessary.)

My varied experience in teaching several grade levels, (Kdgn. 2, 3,) as well as in a special area, (music), has equipped me to deal professionally and capably with the varied aspects of the elementary program. Both Student Teachers and Students of Education from SUSB have been assigned to me and in working with these young people I've had the opportunity of expanding my own skills and insights.

REFERENCES (Please Print) — include persons who have observed you teach.

Name	Address	Business Telephone	Official Position
Robert Johnson	Mt. Sinai N.Y.	473-9395	Principal.
Walter Rice	Terryville Elem. Port Jeff Sta. N.Y.	928-1354	Principal.
Constantine. Basile	Comsewogue Elem. 51 Terryville Rd, P.J. Sta.	473-8100	Acting Principal
Brendan Sheedy	Comsewogue Elem. Port Jeff. Sta.	473-8100	Reading Specialist

I hereby certify that all answers to these questions and all statements on this application are true, and I agree and understand that any misstatement of material facts contained in this application may cause forfeiture upon my part of all rights to any employment sought hereunder.

Gladys N. Gentile
(signature of applicant)

(Gladys Newbold Gentile)

To avoid unnecessary delays in obtaining required data, please state maiden name or any other name by which you have been known.

FOR OFFICE USE ONLY

To be employed effective ______ (date) Placement ______ (school) ______ (grade-subject)

Position is additional ______ or replacement for ______

Experience Allowed: (a) teaching ______ (b) Military ______ (c) other ______ Total ______

Probation/Regular/Part-time % ______ ______ (schedule) ______ (step) $ ______ (salary)

Approved ______ (Superintendent of Schools)

ROCKY POINT PUBLIC SCHOOLS

Rocky Point, N.Y.

Frank J. Carasiti, District Principal

Edward J. Swensen, Assistant District Principal for Personnel and Instruction

FOR OFFICE USE ONLY

1. Date of Interview ________
   Interviewer ________
2. Experience Credit:
   Teaching ________
   Mil. Service ________
   Other Education Credit:
   Degree(s) ________
   Sem. Hrs. ________
3. References ________
4. Certification ________

APPLICATION FOR PROFESSIONAL POSITION

This application will be placed on file for consideration when vacancies arise. It should be complete and accurate in every detail. Mail application to the Office of the Assistant District Principal.

1. Name in Full Gladys N. Gentile Date Nov 25, 1975
2. For what position do you wish to apply? Classroom Teacher K thru 6
3. Present address 102 Jefferson Ave Tel. No. 473-7969 (Include area code)
   Port Jefferson NY 11777 (zip code)
   Social Security Number 131-28-3957 Date of birth 6 19 36
4. Condition of health for past two years Excellent Height 5'7" Weight 134 lb.
   Name of family physician John Biasotti, M.D Tel. No. 473-7969

5. Any physical defects? (sight, hearing, etc.) No

6. Married? Yes Husband's (wife's) first name Ralph

7. Number of children 2 Age(s) 5½, 8½

8. Present position Unemployed Salary

9. When could you begin to work here or in this position? Immediately

10. CERTIFICATION STATUS

Do you have a valid New York State teaching certificate? Yes

Type(c.g. math, k-6, etc.) N-6 & Music K-12 Prov. or Perm. Permanent

11. Do you have a valid New York State supervisory/administrative certificate? No

Are you a member of the N.Y.S. Retirement System? Yes

No. 410345

12. EDUCATION AND PROFESSIONAL TRAINING

Name and Location of School or Inst.	Semester Hours	Degree or Diploma	Dates
High School Oceanside H.S.		Regents	1950-1954
College SUNY Potsdam		B.S.	1954-1958
Undergraduates Major Field		Music Education	
Minor(s)			
Graduate SUNY Oswego			
Graduate Major Field		Elem. Education	
Minor(s)			
Other Graduate work: Institution			

13. SCHOLASTIC HONOR, SCHOLARSHIPS

14. PUBLICATIONS: Title Date Published

15. PROFESSIONAL ORGANIZATIONS of which a member: NYSUT, NEA

16. Regular Teaching and Supervisory Experience: (Please list most recent experience first; include and specify internship and/or student teaching.)

Name of School or Institution	Tel. No.	Name of Principal	Grade Subj.	Inclusive Dates	How Long?	Salary
Comsewogue.		Robert Johnson	3,2	1965-75	5 yrs	10-18,5 000
P.J.Sta (Comsewogue		Dean Royce	Kign.	1962-66.	4 yrs	8,1 to 9000

17. MILITARY SERVICE:

Branch	Assignment	Inclusive Date

18. OTHER RELATED WORK: (Please list most recent work first)

Employer	Name of Imm. Supervisor	Work	Dates	No. Yrs. &/or Mos.	Salary

19. REFERENCES: Give at least three (3) references, including especially principals and supervisors under whom you have worked, who have first-hand knowledge of your character, personality, scholarship and professional ability.

Name	Address	Official Position	Tel.No.
Robert Johnson	130 Mt Sinai NY	Principal	473-9395
C. Basile	Comsewogue Elem. Port Jeff. Sta. NY	Acting Principal	473-8100
Walter Force	Terryville Elem. Port Jeff Sta. NY	Principal	928-1354
Brendan Shead	Comsewogue Elem. P.J. Sta.	Reading Specialist	473-8100

20. CO-CURRICULA AND/OR COACHING EXPERIENCE: Orchestra, Chorus

21. Please write here a statement describing your interests and purposes. Cover such matters as:

1. Your points of view concerning the educational objectives that ought to be attained in your subject matter field or at the grade level at which you teach.
2. Travel, domestic and foreign.
3. Your long range plans for a career in education.

In the elementary Classroom - program each child needs opportunity to acquire skills, academic and social, commensurate with his developmental level and innate ability. Each child deserves the highest respect from his peers and teacher to insure a positive atmosphere in which he/she may flourish. Special attention need be directed to every childs special needs be they be for remedial or enrichment purposes, academic and social.

I have traved considerably within the states as well as extensively in Europe.

I am a professional teacher with a record exclusively of high & favorable evaluations. I wish to continue in the classroom.

Applications will be kept on file one (1) year from the date of filing. If you wish to keep your application active, you must make this intent known in writing on or before the anniversary date of this application.

School District officials are understood to have the authority to contact any institution or person(s) listed above for the purpose of processing this application to its completion.

Gladys N. Gentile Nov 30, 1975

Applicant's Signature Date

May/ 1973

SOUTH HUNTINGTON UNION FREE SCHOOL DISTRICT
31 Walt Whitman Road
Huntington Station, N. Y. 11746

Send application to:
Att: Personnel Office

DATE: Nov-25, 1975

Application for Professional Position as Teacher Grade/Subject Grade 3, 2, Kdgn Elem Music

Earliest Date Available for Employment Immediately

PERSONNEL DATA

NAME Dr. Mr. [✓ Mrs.] Miss Gladys (First) Gentile (Last) Newbold (Middle Initial/Maiden Name)

Address 102 Jefferson Ave. (Street) (City) (State) Telephone 473-7969

Date of Birth Height 5' 6" Weight 133

Marital Status Number/Ages of Children (2) 5½ + 8½ yrs

Present Occupation At Home Salary —

Retirement Number 410345 Rate Plan Date of Membership 1958

Social Security Number 131-28-3957

CERTIFICATION

A. New York State Certification: Title and Area Teacher: Common Branch & Music

Effective Date 1958 Certificate Number 131 283951

Permanent ✓ Provisional

B. If you are not certified, have you applied? Date

Title and Area

Status of Application

C. Out of State License Held: Title and Area

Effective Date Permanent Provisional

EDUCATIONAL PREPARATION (List in chronological order)

College	Address	Dates Attended	Degree and Date Conferred	Major	Minor
SUNY Potsdam	Potsdam N.Y	1954-58	BS	Music Ed	[illegible]
SUNY Potsdam	Potsdam N.Y	Summer 1955	8 hrs	Elementary Ed	
SUNY Oswego	Oswego N.Y	Summer 1961 1962	17 hrs		
C.W. Post	Westbury N.Y	1963	3		
Adelphi Suffolk	Oakdale N.Y	1965	3	Psychology 12	

PRACTICE TEACHING EXPERIENCE (For candidates of 3 years or less experience)

School	Address	Dates	Supervising Teacher	Grade/Subject

TEACHING EXPERIENCE (List in chronological order)

School	Address	District	Dates	Grade/Subject
Mohonasen Central	Rotterdam, N.Y.	Mohonasen Central	1958-61	Music - Strin
Phoenix Central	Phoenix N.Y.	Phoenix Central	1961-62	Music - Vocal
Comsewogue	Port Jefferson Station, N.Y.		1962.-75	Kdgn. 2, 3

NON TEACHING EXPERIENCE

Firm or Organization	Address	Dates	Position

REFERENCES: Please include ADMINISTRATORS and SUPERVISORS who have first hand knowledge of your character, personality, scholarship and teaching ability. Please include references from your last or present teaching position.

Name	Official Position	Address	Office use only Requested	Office use only Received
Robert Johnson	Principal	Mt. Sinai		
Constantine Basile	Acting Principal	Comsewogue Elem. School 51 Terryville Rd. P.J. Sta.		
Walter Rice	Principal	Terryville School 400 Terryville Rd. P.J. Sta.		
Brendan Sheedy	Reading Specialist	Comsewogue Elem. 51 Terryville Rd., P.J. Sta.		

If you are registered in a COLLEGE PLACEMENT OFFICE, please give the name and address from which we may obtain your confidential file.

Office Address

Extracurricular activities participated in:

Activities which you feel capable of coaching, directing, or supervising: Orchestra, Elem. choral

Elem. Drama

Positions of leadership held or honors received in college, teaching or military service:

Interests: (particularly relevant to teaching role) Chamber Music, Reading, Environmental and Ecology Activities, Travel, Theater etc.

MILITARY SERVICE:

Draft Classification __________

Dates of Service __________ Type of Discharge __________

CANDIDATE'S PAGE - We are interested in any further information about you which may distinguish your application. This might include travel, honors, publications, advance written work, participation in special programs.

My varied and extensive expirence prove invaluable in my performance in the classroom. I have been sponsor teacher for student teachers & participating ~~tx~~ students of Education from SUSB

My record of evaluations of my performance is uniformly favorable.

I have traveled quite extensively in the Stat as well as Canada & Europe.

Please indicate how you heard about our district.

I have personal knowledge of region & various ~~sch~~ school districts

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PROCESSING OF APPLICATION (For office use only)

Interviewed by ______________________ **Date** ______________________

______________________ ______________________

______________________ ______________________

Disposition ____

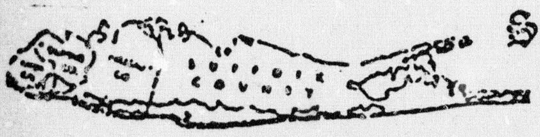
____

Degree/Schedule & Step ______________________ **Salary** ______________________

School Assignment ______________________ **Grade/Subject** ______________________

Effective Date of Employment ____

____
Authorizing Administrator



Sayville, Long Island, N. Y.

Sayville Public Schools

Administration Building
99 Greeley Avenue
Sayville, N.Y.
Phone (516) LT 9-5100

TEACHER APPLICATION

Name Gladys (first) Neuhold (maiden or initial) Gentile (last) Date Dec 1 1975

Applicant for position of teacher of Elementary Classroom &/or Elementary Music &/or Strings

Address: Permanent 102 Jefferson Ave
Port Jefferson NY 11777

Temporary None

Telephone: Home 516 (Area Code) 473-7969 (Number) School (Area Code) (Number)

Date of Birth 7/9/36 Citizenship American Weight 133 Height 5'7"

Health: General Excellent Sight Corrected to [illegible] Hearing Perfect Physical Defects None

Marital Status Married Children Yes No. 2 Ages 5 + 8 yrs.

Certification: New York State 131-28-3957 Permanent: K-12 Music and N-6 Common Branch

Others

EDUCATION

Name and Address		Major Subject	Dates of Attendance	Year Grad.	Diploma or Certificate
High School	Oceanside HS Oceanside N.Y.	Academic	1950-54	1954	Regents
College (s)	SUNY Potsdam N.Y.	Mus Ed.	1954-58	1958	B.S.
Graduate School (s)	SUNY Potsdam & Oswego CW Post Adelphi	Elementary Ed (3 hrs.)			

TEACHING EXPERIENCE

School and Address	Position	Dates of Service	Number of years
[illegible] Rotterdam N.Y.	Teach Music	1958-61	3
[illegible] N.Y. [illegible] (Central)	Teach Music	1961-62	1
[illegible] Port Jefferson Station NY	Teacher Grade	1962-75	9
		(Leave for child care)	

Salary received in last position $ 15,750 per year $ ______ per month ______

OTHER FULL TIME EMPLOYMENT

Name and Address of Employer	Type of Work	Dates of Employment

Check Activities in which you have participated. Double check those which you can direct.

Chorus ✓ School Publications ___ Rhythms and dances ___ Orchestra ✓ Band ___ Piano for Classroom ✓

Scouting Activities ___ Debating ___ Playground ✓ Community Activities ___ Dramatics ✓ School Publicity ___

Athletic Coaching (List sports). ______

School Clubs (List your Interest) Sewing + Needlework, Reading Literature Children,

Public Addresses ______ Piano for Assembly ✓ Gymnasium Activities ______

Please list other experiences which you have had that show leadership, honors or indicate background for teaching:

My experiences and the highly favorable evaluation(s) of my performance indicate that I am a capable teacher.

REFERENCES

Give names of 3 or 4 of those who have definite knowledge of your teaching ability or training, and one character eference.)

	Name	Address	Position
1.	Walter Rice	Pilgrim Drive, Port Jeff 11777	Principal
2.	Robert Johnson	Box 202 Mt. Sinai NY	Principal
3.	Constantine Ravale	Comsewogue Elem. 51 Terryville Rd. Port Jeff Sta.	Acting Principal
4.	Brendan Sheedy	as above	Reading Consultant
.	Ernestine Grudzicki	Lowell Place Port Jeff. 11777	Teacher

ame of present Superintendent N.A.

ddress

hy do you wish to leave your present position? N.A

hen are you available? Immediately

t the time of mailing this application are you under contract for the ensuing year? No

Gladys M. [illegible]

Signature of applicant

ease check to be sure all items are answered and mail to:

PERSONNEL OFFICE
SAYVILLE PUBLIC SCHOOLS
SAYVILLE, NEW YORK 11782

.F.S.D. # 3 - LITTLE FLOWER SCHOOL
~~ox 911~~
ading River, New York 11792

CERTIFICATE NUMBER 131283957

SOCIAL SECURITY NO. 131-28-3957

Tel # 473-7969

APPLICATION FOR TEACHING POSITION

INSTRUCTIONS

Print in ink or typewrite all entries except signatures.

Name Gentile (Last) Gladys (First) Ann (Middle) Newbold (Maiden) Miss [✓ Mrs.] Mr.

Permanent address 102 Jefferson Ave. (Street and Number) Port Jefferson (City) N.Y. (State) 11777 (ZIP Code)

Date of birth 6, 9, 34 (Month) (Day) (Year)

Position requested Classroom (Elementary), Music Elementary or String (Subject(s) or Area(s))

INSTITUTIONS ATTENDED BEYOND HIGH SCHOOL

NAME OF INSTITUTION	LOCATION (City and State)	Number Credits Received	Degree or Diploma Received	Dat Receiv
SUNY Potsdam	Potsdam, N.Y.	132	B.S.	1958
SUNY Potsdam	Potsdam, N.Y.	8	31 hrs. certification for permanent cert.	
Oswego	Oswego N.Y.	17		
C.W. Post	Westbury N.Y.	3		
Adelphi	Oakdale, N.Y.	3		

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TEACHING CERTIFICATES OR LICENSES ISSUED TO YOU

TITLE OF CERTIFICATE OR LICENSE	Issuing State or City	Effective Date	Expiration Date	Valid for what subjects or areas?
Teacher: Music	NYS	1958	Life	Music
Teacher Music & Commonbr	NYS	1968 M. 19	Life	Music & Common Br

TEACHING, ADMINISTRATIVE AND/OR SUPERVISORY EXPERIENCE

NAME OF SCHOOL	LOCATION	SUBJECTS, GRADES OR AREAS TAUGHT, SUPERVISED, OR ADMINISTERED	Dates FROM	TO
Comsewogue	Port Jefferson Station	Kdgn 2, 3 (Music)	1962	19
Phoenix Central	Phoenix, N.Y.	Music	1961	1962
Mohonasen Central	Rotterdam, N.Y.	Music	1958	1961

Hobbies/Outside activities Chamber Music, String Quartet & Orchestra, Irving Midd
Tennis

CITIZENSHIP

Are you a citizen of the United States? Yes If not, attach your original copy of your Declaration of Intention.

BEST COPY AVAILABLE

ADDITIONAL INFORMATION

A. Have you ever been arrested for or convicted of a criminal offense (with the exception of minor traffic violations)? No If so, please attach copies of court records, including disposition of case.

B. Have you ever had a teaching certificate revoked? No If so, please indicate on a spearate sheet the reasons for the revocation.

AFFIDAVIT

Under the penalties of perjury, I declare and affirm that the statements made in the regoing application, including accompanying statements and transcripts are true, complete, correct.

Dec. 1, 1975
Date

Gladys Tuttle
Signature of Applicant

Application for Professional Employment
PATCHOGUE-MEDFORD PUBLIC SCHOOLS
241 South Ocean Avenue, Patchogue, New York 11772
Telephone - 516 654-4003

Name in full Gladys N. Gentile Date Dec. 1, 1975
Maiden Name Newbold Spouse's Name Ralph
Address 122 Jefferson Ave., E Tele. No. 473-7961
City Port Jefferson State N.Y. Zip 11777
Date of Birth 6/9/36 Place of Birth Freeport N.Y. Marital Status Married Children Yes 1
NYS Teacher's Retirement No. 410345 Social Security No. 131-28-3957
Military Service: Date Began ______ Date Ended ______

Educational Preparation

	Name and Location of Schools Attended	Dates Attended	Year of Graduation	Degree or Diploma	Major Subject
Elementary	Oceanside Public School	1941-1950			
High School	Oceanside H.S.	Fall 50-54	1954	Regents	College Regents
College or University	SUNY Potsdam	Fall 54-58	1958	B.S.	Music Ed
	SUNY Oswego	Summer 1966 Summer 1968-69		—	Elementary Ed
	C.W. Post 3 hrs				Psychology

Adelphi 3 hrs.

Credits beyond Bachelor's degree 21 hrs. beyond Master's degree —

Previous Teaching Experience

Community and State	School and Assignment	YEARLY SALARY	YEARS OF SERVICE	DATES C SERVICE
Port Jefferson Station, N.Y.	Comsewogue Elementary Kdgn. 2, 3	[illegible] to $15,700	9	1962-
	(Uninterrupted Service 6 1/3 yrs)			
Phoenix N.Y.	Phoenix Central	2	1	1961-62
~~[illegible]~~ Rotterdam, N.Y.	Mohonasen Central	[illegible]	3	1958-61

Certification

NYS Teaching Certificate you now hold Permanent K-12 Music, N-6 Common Branch

Out-of-State Certificate you now hold

For what subjects may you be certified in New York State? Music, Common Branch Elementary

ntion any additional or special points of interest concerning your preparation or experience:

My experience is broad and varied; all evaluations done by various administrators have been very favorable.
I am most interested in continuing my teaching career.

Professional Assignments Desired

[✓ Kindergarten] Teacher of:

[✓ Elementary] (grades 1-5) What grade do you prefer 3, 2, 4, Kdgn, 1, 6

What grade will you accept any of above

Junior High (grades 6-8) Subject

Senior High (grades 9-12) Subject

Special: Administrative, supervisory, etc. - Music: Elementary/or strings

References and Placement

	Name	Position	Present Address and Phone No.
1.	Robert Johnson	Principal	Mt. Sinai N.Y. 473-9395
2.	Constantine Basile	Acting Principal	Comsewogue Elem. Sch. 476-8100
3.	Walter Rice	Principal	Terryville Elem. Pt Jefferson, N.Y. 928-155

4. Name, address & phone # of present Superintendent Not applicable.

5. Do you have a folder on file in your college placement office. Yes ✓ No

6. Name, address & phone # of your college placement office SUNY Potsdam

General Information

Why do you wish to leave your present position Not applicable

When are you available Immediately

Have you been refused reemployment Yes If so, where Comsewogue

If so, state reasons Refused Tenure appointment

At the time of mailing this application, are you under contract for the ensuing year No

Have you ever been confined in a hospital for more than one consecutive week. Yes No ✓

RETURN APPLICATION TO FREDERICK G. REAVER, ASSISTANT SUPERINTENDENT FOR PERSONNEL
ADDRESS ON REVERSE SIDE

SMITHTOWN CENTRAL SCHOOL DISTRICT

EDGEWOOD AVENUE
ST. JAMES, N. Y. 11780

PERSONAL DATA:

Elementary

TEACHER'S APPLICATION for the Position of: Elementary Classroom or Music (Subject or Grade) ; prefer 3, 2, Kdg. Strings (Grade Level)

NAME: Gladys N. Gentile Date of Birth 6 / 9 / 36 mo. day yr. Ht. 5'6" Wgt. 133

Soc. Sec. No. 13158-3957

Permanent Address: 102 Jefferson Ave.
Port Jefferson, N.J.

Tel. 473-7969

Present Address: So above

Tel. —

When Can You Begin Work? [illegible]

(Please Check) Single: .... Married: ✓ No. of Children: 2

Present Salary: —

Present Position: None School: ....

EDUCATIONAL RECORD:

Category	Name of Institution and Location	Dates (Month & Year) From — To	Degree or Diploma and Date Received	Credit Hrs. Beyond Last Degree	Areas of Specialization
High School	Oceanside H.S.	1950-54	Regents		Major Music Ed.
Under Graduate	SUNY Potsdam	1954-58	B.S.		Minor Viola
Graduate	SUNY Potsdam, Oswego	1960-1962	Certification	[illegible]	Major Minor
Graduate	C.W. Post and Adelphi		3 hrs each	[illegible]	Major Minor

TEACHING CERTIFICATION:

VALID TO TEACH OR ADMINISTER	Date Granted	State	Type (Perm., Prov., Etc.)	Expires
Music: K-12	1958	N.Y.	Permanent	life
Elementary Common Branch	1968	N.Y.	Permanent	life

If Not Certified, Do You Agree To Immediately Obtain An Evaluation Of Your Preparation From The Bureau of Teacher Certification Of The New York State Education Department And To Take Not Less Than Six (6) Semester Hours Per Year To Complete The Deficiencies Indicated: Yes .... No ....

STUDENT TEACHING EXPERIENCE:

School and Location: Freeport Music Dept. Freeport N.Y. & Mexico Central Mexico N.Y.

Grade and/or Subject: Music Date: From— 1957 To—

Name of College Supervisor: ? Address: unknown

Name of Cooperating Teacher: Multiple

TEACHING EXPERIENCE:

School Name	Location (District and Community)	Dates From	Dates To	No. of Months	Subject or Grade
Comsewogue Elementary	Comsewogue (Port Jefferson Station N.Y.)	1962 thru	1975 - (4 yrs. [illegible])	4 yrs.	Kdgn. 3, 2
Mohonasen Central	Rotterdam N.Y.	1958	-1961	3 yrs.	Music
Phoenix Central	Phoenix N.Y. M21	1961-62		1 yr.	Elementary

MILITARY SERVICE:

Branch of Service:

Active Service — From: month / day / year To: month / day / year

Type of Discharge:

HEALTH DATA: (Please Answer The Following Fully. You May Be Asked To Take A Physical Examination At The Time Of Appointment)

(A) Are You Under Treatment For Any Mental, Nervous Or Physical Condition At The Present Time:
Yes .... No ✓

(B) Have You Had Any Operations, Injuries, Or Physical Or Mental Conditions Still Under Treatment Or Cured In The Past Five (5) Years? Yes .... No ✓

(C) Do You Have Any Physical Handicaps? No Please Specify

APPLICANT'S STATEMENT: Include In Part A & B Any Significant Travel, Professional Membership, Published Writings, Extra-Curricular Activities, Honors, Positions of Leadership, And The Like.

(A) I Participated In:

(B) I Can Lead Or Coach: Orchestra; Choral Group (Elementary); Clubs-Needlework, Sewing

(C) In The Space Below Plea[illegible] Add Any Further Information You Think May Be Of Interest To Your Employer. (If This Space Is Inadequate Pleas[illegible]tach An Additional Sheet).

COMMENTS: My varied and extensive experience and the consistently favorable evaluations of my work indicate my competence and success as a teacher.

RECOMMENDATIONS: (List The Names Of Three References As Indicated. We Shall Assume All Of These People May Be Approached. If The References Requested Are In Your Placement Folder, Please Write This Information In Place Of References).

(A) Supervisor (Present Or Most Recent):

(Name)	(Position)	(Business Address)
Robert Johnson	Principal	Bayview Ave Mt. Sinai N.Y.

	(Name)	(Position)	(Business Address)
(B) Other:	Constantine Basile	Acting Principal	51 Terryville Rd Port Jeff Station
(C) Other:	Walter Rice	Principal	200 Terryville Rd, Port Jeff. Station

MISCELLANEOUS DATA:

(A) Have You Ever Been Arrested (Excluding Traffic Violations)? Yes .... No X.

If Yes, Were You Convicted? ....

(B) What Is The Best Time For An Interview? Weekday 9 to 4 (Tuesday forenoon excluded)

I Offer The Above In Support Of My Application For A Teaching Position With The Smithtown Central School District No. 1, And Certify That All Statements Are True And Accurate.

DATE: Nov. 28, 1975 SIGNATURE: Gladys M. [illegible]

Tuckahoe Common School District

Southampton, New York 11968

Teaching Position For Which You Are Applying:
Regular (✓) Substitute ( )

1 Kgn. 3, 2, 4 Elementary
Grade Subject

2 K-6 or 7 Music.
Grade Subject

3 K-12 - Music (Strings)
Grade Subject

PERSONAL DATA

1. Circle: Mr. [✓ Mrs.] Miss Gentile Gladys Newbold Date
(last) (first) (middle or maiden)

2. Home Address 102 Jefferson Ave, Port Jefferson N.Y 11777 (Zip) Telephone (516) 473-7969
(Street & No.) (City) (State) (Zip) (Code) (Number)

Present Address as above. Telephone
(Street & No.) (City) (State) (Zip) (Code) (Number)

3. Age 39 Date of Birth 6/9/36 Place of Birth Freeport N.Y.

4. ☐ Male ☒ Female Height 5'6" Weight 133 Citizenship: ☒ U.S.A.; ☐ Other

5. Marital Status: ☐ Single; ☒ Married; ☐ Other

6. Number of children 2 Their ages 5½ + 8½

7. Condition of health past two years: ☒ Excellent; ☐ Good; ☐ Fair;

8. Have you ever been refused life insurance? No Status of Hearing Excellent Vision Corrected to [illegible]

9. Days lost because of illness during the past two years approx. 2 weeks

Note: Successful applicants will be required to submit a report of a physical examination by a doctor and a report of a chest x-ray prior to or immediately upon assumption of duties, and to take vision and hearing test to be given by school nurse.

10. Present Position None. Location Salary

11. Why do you wish to leave present position?

12. Date when you will be available for position Immediately

13. Best time you can be contacted to arrange for interview:

9-4 Weekdays — time
473-7969 — telephone number

time
telephone number

EDUCATIONAL and PROFESSIONAL TRAINING

Level of Study	Name of Institution	Location: Town or City	State	Dates Attended: From	To	Date	Degree
Secondary	Oceanside H.S.	Oceanside	N.Y	1952		1954	xxxxxxxx
							xxxxxxxx
College or University (Undergraduate)	SUNY Potsdam		N.Y	1954		1958	
	~~SUNY~~						Degree or Semester Hours
Graduate	SUNY	Oswego & Potsdam		1960		1962	25
	C.W. Post	Westbury		1963			3
	Adelphi	Oakdale		1965			3/
							3 Elementary Education Certification

STUDENT TEACHING EXPERIENCE

From Mo.	From Yr.	To Mo.	To Yr.	School	Location: Town or City	State	Grade and/or Subjects

EDUCATIONAL EXPERIENCE — Exclusive of Student Teaching (List in chronological ~~order~~)

From Mo.	From Yr.	To Mo.	To Yr.	School	Location: Town or City	State	Nature of Position State also Grades/Subj.	No. Yrs. Taught
Sept	1962	June	1975	Comsewogue El.	Port Jefferson Sta.	N.Y.	Elementary Classroom	9
(4 yrs. exclusive-Maternity)								
Sept	1961	June	1962	Phoenix Central	Phoenix	N.Y.	Music.	1
Sept	1958	June	'61	Mohonasen Central	Rotterdam,	N.Y.	Music: Strings	3

OTHER WORK EXPERIENCE — business, trades, summer occupations, social services, scouting, recreation, settlement work, etc. (list in chronological order).

From		To		Firm, Institution, etc,	Nature of Work	No. of Months
Mo.	Yr.	Mo.	Yr.			

MILITARY SERVICE
(Refers to Active Duty Only)

Branch of Service	Total Number of Months of Service	Highest Rank Attained	Nature of Assignment

PROFESSIONAL ACTIVITIES

Inservice - curriculum, pupil personnel, etc. (indicate your part and time spent):

Professional organizations to which you belong: NEA, NYSUT

Professional magazines regularly read: NYSUT News, Today's Education, Psychology Today

Professional books recently read:

Travel (where, when, purpose): Europe - Study New England & New York State: Recreation

What are some of your special professional interest and concerns?

I am concerned with providing each child with optimum opportunity for academic & social growth in the classroom. I am convinced that each child needs to feel special & worthy and needs a trusting, comfortable atmosphere in the classroom in order to flourish. We must be very attentive to individual needs.

CERTIFICATION INFORMATION

A—I hereby certify that I hold a teaching certificate issued by the University of the State of New York as follows (copy exact wording from certificate):

Title of certification Teacher (principal's, counselor's, teacher's) Form Permanent (provisional, permanent)

Field validity Music & Common Branch (subject area or areas) Type of school Elementary & K-12 Music (elementary, secondary)

Valid from 1958 (+68) (date) to life no expiration (expiration date)

New York certificate no. 131 28 3957 Date issued 1966

B—Any candidate not officially licensed to teach in the public schools of New York State (outside of New York City) should give the status of his application, if any, as follows (check one):

Application submitted to and approved by the N.Y.S. Department of Education; license forthcoming ____

Application filed - - decision pending ____ Application not filed ____

C—Licenses held from other states; type and issuing authority ____

D—Social Security number 131-28-3957

E—Are you a member of New York State Retirement System? Yes Retirement Number 410345

BEST COPY AVAILABLE

REFERENCES

Give five references, including especially superintendents and principals under whom you have taught, and who have first-hand knowledge of your scholarship, and teaching ability. Include your present employer, if any.

Name	Position	Present Address	Telephone No.
1. Constantine Jusiko	Acting Principal	Consewogue Elem. Sch. Terryville	473-8100
2. Robert Johnson	Principal	~~B~~ Box — Mt Sinai, Port Jeff. Sta.	473-9395
3. Kalterkie.	Principal		
4. Brendan Sheedy	Reading Supervisor/Teacher, Consewogue Elementary		
5.			

If your placement papers may be obtained from a College Placement Bureau or from some central agency, give name and address

What is your primary reason for applying to teach in the Tuckahoe Common School District?

I wish to resume my teaching career on L.I. where my family and I have been long established

Can you be observed at this time while teaching your own classes? No

Would it be possible for you to demonstrate-teach a class in our district? Yes

Have you ever been convicted of any crime (excluding traffic violations)? Never

If so, give details

I hereby certify that all answers to these questions and all statements on this application are true, and I agree and understand that the making of a false statement on this application or the withholding of information pertinent to my candidacy, constitutes grounds for immediate dismissal.

Date Dec. 1, 1975

Gladys N. Gentile
(Signature of Applicant)

NOTICE OF CROSS-MOTION AND CROSS-MOTION

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

GLADYS GENTILE,

Plaintiff,

- against -

JOHN WALLEN, individually and as District Principal of the Comsewogue School District, JAMES HINES, individually and as Superintendent of Schools of Supervisory District #2, Town of Brookhaven, BOARD OF EDUCATION, COMSEWOGUE SCHOOL DISTRICT, FRANK D'ADDARIO, individually and as a member of the Board of Education, JEROME FLESCHER, individually and as a member of the Board of Education, ARTHUR S. HOWARD, individually and as a member of the Board of Education, PETER SAPIENZA, individually and as a member of the Board of Education, LEWIS WEINERMAN, individually and as a member of the Board of Education, PAUL S. ALLEN, individually and as a member of the Board of Education, ROSELLA DREYER, individually and as a member of the Board of Education, WALDEMOR SILLS, individually and as a member of the Board of Education, STUART PORTER, JR., individually and as a member of the Board of Education, JOSEPH BUSA, individually and as a member of the Board of Education, LAWRENCE PANNULLO, individually and as a member of the Board of Education, RICHARD AHKAO, individually and as a member of the Board of Education, CHARLES STROPOLI, individually and as a member of the Board of Education, WILLIAM P. MARTIN, individually and as a member of the Board of Education,

Defendants

NOTICE OF CROSS-MOTION AND CROSS-MOTION

Civil File #
76C-911

The defendants move the Court for an Order dismissing the complaint, pursuant to Rule 12(b)(1) and (6) of the Federal Rules of Civil Procedure, or, in the alternative, granting summary judgment, pursuant to Rule 56(b), upon the following grounds:

1) The Court is without subject matter jurisdiction to entertain any claims for damages against the Board of Education or any of the individual defendants in their official capacities.

2) The complaint does not state a claim for damages against the individual defendants in their individual capacities, or, in the alternative, cannot withstand the defendants' motion for summary judgment.

3) The plaintiff was not deprived of a property interest in her employment and consequently was not entitled to a due process hearing.

4) The plaintiff does not have an actionable liberty interest claim.

5) The Fair Dismissal Law satisfies due process standards for a probationary teacher asserting a deprivation of a liberty interest.

PLEASE TAKE NOTICE, that the undersigned will bring the above motion on for hearing before this Court, at the Federal Court House, 225 Cadman Plaza East, Brooklyn, New York, on the 23rd day of July, 1976, at 10:00 o'clock in the forenoon of that day, or as soon thereafter as counsel can be heard, pursuant to the direction of HON. GEORGE PRATT, Judge of the United States District Court, for the Eastern District of New York.

Dated: Smithtown, New York
July 16, 1976

HULL, BLOCK AND GRUNDFAST
By: Frederic Block
FREDERIC BLOCK, ESQ., Partner
Attorneys for Defendants, STROPOLI
WALLEN, HINES, BOARD OF EDUCATION
D'ADDARIO, HOWARD, SAPIENZA,
DREYER, AHKAO, MARTIN & FLESCHER
Smithtown, New York 11787
Tel. (516) 265-0200

STATEMENT OF MATERIAL FACTS, PURSUANT TO LOCAL RULE 9(g)

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

---x

GLADYS GENTILE,

Plaintiff,

- against -

JOHN WALLEN, individually and as District Principal of the Comsewogue School District, JAMES HINES, individually and as Superintendent of Schools of Supervisory District #2, Town of Brookhaven, BOARD OF EDUCATION, COMSEWOGUE SCHOOL DISTRICT, FRANK D'ADDARIO, individually and as a member of the Board of Education, ARTHUR S. HOWARD, individually and as a member of the Board of Education, PETER SAPIENZA, individually and as a member of the Board of Education, LEWIS WEINERMAN, individually and as a member of the Board of Education, PAUL S. ALLEN, individually and as a member of the Board of Education, ROSELLA DREYER, individually and as a member of the Board of Education, WALDEMOR SILLS, individually and as a member of the Board of Education, STUART PORTER, JR., individually and as a member of the Board of Education, LAWRENCE PANNULLO, individually and as a member of the Board of Education, RICHARD AHKAO, individually and as a member of the Board of Education, WILLIAM P. MARTIN, individually and as a member of the Board of Education,

Defendants

---x

STATEMENT OF MATERIAL FACTS, PURSUANT TO LOCAL RULE 9(g)

Civil File #
76C-911

The following is a statement of the material facts as to which defendants contend there is no genuine issue:

1) GLADYS GENTILE was initially employed by the School District in 1962 as a kindergarten teacher and was granted tenure

as such in 1965. She resigned for personal reasons in 1967 and was re-employed in 1968.. In 1970 she requested a leave of absence so that she could care for a baby which she intended to adopt. At that time the District did not have a policy covering this type of leave, and therefore, her request was not granted.

2) The plaintiff was hired once again in 1972 as a probationary second grade teacher. She accepted this status and comported herself as a probationary teacher during the ensuing years, submitting herself to observations and evaluations, required by the collective bargaining agreement of only probationers, and never protesting her appointment or status as a non-tenured teacher.

3) On March 21, 1975, the District Principal, WALLEN, summoned the plaintiff to his office for a private conversation, at which time WALLEN confronted the plaintiff with a number of Teacher Evaluation Forms indicating that observations and evaluations were made of the plaintiff by her building principal, Johnson, on days when either Johnson or the plaintiff were absent or when school was not in session. Plaintiff admitted that she signed these forms. WALLEN advised the plaintiff that her prospective tenure appointment was in jeopardy.

4) The private conversation between WALLEN and the plaintiff continued on March 24, 1975, at which time WALLEN privately informed the plaintiff that he could not recommend her for tenure.

5) By letter dated April 1, 1975, WALLEN formally advised the plaintiff that he would not recommend her for tenure, in purported compliance with Article IV(B) of the collective bargaining agreement between the School District and the Teachers Association.

6) By letter dated April 7, 1975, the plaintiff demanded of WALLEN the reasons for his refusal to recommend her for tenure. In compliance with this request, WALLEN set forth his reasons by letter to the plaintiff dated April 10, 1975, annexed to the complaint as Exhibit III.

7) On April 14, 1975, WALLEN preferred six charges against Johnson stemming from his falsification of teacher evaluation forms, including those involving the plaintiff. (Exhibit IV attached to complaint.) On May 12, 1975, an additional charge of a comparable nature was preferred by WALLEN against Johnson. (Exhibit IV, attached to complaint.)

8) Pursuant to the provisions of §3020-a of the Education Law of the State of New York, Johnson requested a tenure hearing before a three-member panel, and further requested, as was his legal right, that the hearing be held in public. The hearing transpired on June 12, June 23 and July 9, 1975, at which time testimony and evidence was adduced by the School District in support of the charges.

9) On September 12, 1975, the panel rendered its

decision, finding Johnson culpable on five of the seven charges and recommending his dismissal as building principal. On November 20, 1975, the Board of Education rendered its written determination, as required by law, wherein it confirmed the findings and recommendation of the statutory panel.

10) On April 14, 1975, the plaintiff, through her Teachers Association, initiated a grievance under the collective bargaining agreement contending that plaintiff should be adjudged to have received tenure by default by reason of the alleged failure of the District Principal to give her written notice of her dismissal within the time period set forth in Article IV(B) of the agreement.

11) This litigation, commenced on behalf of the plaintiff, resulted in a decision, on August 29, 1975, by the Supreme Court of the State of New York, holding that Article IV(B) was void and that the plaintiff could not thereby acquire tenure by default.

12) On May 15, 1975, the plaintiff and her representatives, at their behest, met with the District Superintendent, HINES, at his office, at which time she was given a full opportunity to be heard in respect to the District Principal's recommendations that she be denied tenure. At this hearing evidence and statements in her support were presented by the plaintiff and her representatives to HINES. As of that time, HINES had not yet made his determination as to whether he would recommend the plaintiff for tenure. Section 3013, as it then existed, required the District Superintendent to make his recommendation at least sixty (60) days prior to the termination of the probationary period.

13) On June 2, 1975, in compliance with the requirements of §3013 of the Education Law, the District Superintendent, HINES, wrote to the plaintiff that he was not recommending her for tenure, stating no reasons therein for this decision.

14) Pursuant to the rights accorded to her under §3031 of the Education Law, the plaintiff, by letter dated June 4, 1975, demanded of HINES that he furnish her with the specific reasons for his action.

15) Acknowledging that he was obliged to honor the plaintiff's demand by reason of the requirements imposed upon him under §3031 of the Education Law, HINES responded to the plaintiff by letter dated June 11, 1975 (Exhibit V annexed to complaint). In turn, plaintiff submitted a detailed, 18-page response on June 26, 1975, fully explaining and defending her position.

*16) This response was thereafter filed with the School District Clerk and considered by the Board of Education in private at its executive session on July 21, 1975, after which, as required by law, the Board acted on HINES' recommendation, voting to accept it.

* 17) In sworn testimony given on October 1, 1975, the plaintiff asserted that she considered herself aggrieved and to have been libeled, slandered and defamed by reason of the letters which she received from WALLEN and HINES, the testimony given at the judicial proceedings mandated by law against Johnson, and certain statements made to the Unemployment Insurance agency which, however, did not cause her to lose any unemployment benefits. *

18) At no time did she assert therein that the School District or WALLEN had caused her circumstances to be published in any newspapers or that any disclosure of the reasons for her failure to obtain tenure was effected by any of the defendants when they voted to accept the District Superintendent's recommendation on July 21, 1975. Affidavits submitted in support of the subject motions by members of the Board of Education who served during the months of April, June and July of 1975, set forth that the Board was acting under directions of counsel not to disclose any of the plaintiff's circumstances to the public.

19) An affidavit submitted in support of the subject motions by the District Principal sets forth that the plaintiff's personnel file is considered confidential, and that the file or the reasons given to the plaintiff in response to her demands

have not and will not be disclosed to any prospective employer or to anyone else other than the plaintiff or her authorized representatives.

20) After numerous articles appeared in the newspaper about her discharge, the plaintiff received overwhelming community support and sympathy, as evidenced by a petition signed by more than 700 members of the community requesting her reinstatement and presented to the Board on July 21, 1975 when the Board accepted HINES' recommendation, and as further evidenced by the fact that many people spoke in support of the plaintiff on that occasion. (See affidavit of GENTILE submitted in support of plaintiff's motion for preliminary injunction, at page 17, ¶50.)

Dated: Smithtown, New York
July 16, 1976

Respectfully submitted,

HULL, BLOCK AND GRUNDFAST

By: Frederic Block
FREDERIC BLOCK, ESQ., Partner
Attorneys for Defendants
Office & P. O. Address
8 Manor Road, P. O. Box 623
Smithtown, New York 11787
Tel. (516) 265-0200

AFFIDAVIT OF FREDERIC BLOCK

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK
---x
GLADYS GENTILE,
:
Plaintiff, : **AFFIDAVIT**
:
- against -
:
JOHN WALLEN, individually and as District
Principal of the Comsewogue School :
District, et al.,
:
Defendants :
---x

STATE OF NEW YORK)
) SS.:
COUNTY OF SUFFOLK)

FREDERIC BLOCK, being duly sworn, deposes and says:

1) I am a member of the law firm of HULL, BLOCK AND GRUNDFAST, ESQS., the attorneys for the defendants herein, and for several years I have performed the functions of the chief legal adviser of the Brookhaven-Comsewogue Union Free School District.

2) This affidavit and the affidavits that follow are being submitted in support of the defendants' motion to dismiss the complaint, pursuant to Rule 12 of the Federal Rules of Civil Procedure, or, in the alternative, for summary judgment, pursuant to Rule 56(b), as well as in opposition to plaintiff's motion for preliminary mandatory injunctive relief.

3) Annexed hereto are the affidavits of JOHN WALLEN, the District Principal of Comsewogue, and of JAMES HINES, the District Superintendent of the Supervisory District, which includes the defendant School District. These affidavits set forth as completely as possible the facts and circumstances relative to the matter in controversy, and serve to introduce items of documentary evidence intended to aid the Court in the resolution of the controversy and in the narrowing of those factual issues, if any, that the Court might deem appropriate for resolution at a hearing or trial.

4) Also annexed are a series of affidavits sworn to by various members of the Board of Education of the School District who served in such capacity in July of 1975. The degrees of participation in the events with which this litigation is concerned, and the recollections of the several deponents, are, with minor variations, virtually identical. Accordingly, a single collective affidavit would have no doubt been appropriate. A series of identical affidavits was instead employed solely for the purpose of facilitating execution in disparate locations.

5) It can be fairly concluded from these affidavits that the defendants herein acted at all times in the Gentile matter in their capacities as public officials and in accordance

with what they conceived to be their duties, and that they recognized the need for confidentiality in the discharge of their duties, and regulated their actions accordingly.

6) It is submitted that sufficient material allegations are not set forth in the complaint in support of plaintiff's claims, and that no factual basis exists for the granting of relief to the plaintiff, much less for the granting of mandatory reliefe pendente lite.

WHEREFORE, it is respectfully requested that the plaintiff's motion be denied, and that the motion of the defendants be in all respects granted.

Frederic Block
FREDERIC BLOCK

Sworn to before me this
16th day of July, 1976
Tina Farrell
Notary Public

TINA FARRELL
NOTARY PUBLIC, State of New York
Qualified in Suffolk County
No. 52-1167687
Commission Expires March 30, 1977

AFFIDAVIT OF JOHN W. WALLEN

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK
---------------------------------------x
GLADYS GENTILE,
:
Plaintiff, : **AFFIDAVIT**
:
- against -
:
JOHN WALLEN, individually and as District Principal of the Comsewogue School District, et al., :
:
Defendants
---------------------------------------x

STATE OF NEW YORK)
) SS.:
COUNTY OF SUFFOLK)

JOHN W. WALLEN, being duly sworn deposes and says:

1) I am one of the defendants herein and submit this affidavit in support of the application on behalf of all of the defendants to dismiss the complaint, or, in the alternative, for summary judgment.

2) I am the District Principal and chief administrative officer of the Brookhaven-Comsewogue Union Free School District having assumed such office on July 1, 1967.

3) The records of the School District and my personal knowledge are essentially consistent with the allegations of the complaint regarding the plaintiff's employment history in the District in the following respects:

a) Plaintiff was initially hired by the District in 1962, and achieved tenure as a kindergarten teacher in 1965.

b) Plaintiff requested and was granted a leave of absence from the District for the 1966-67 school year.

c) Plaintiff resigned from her position in or about May of 1967, for personal reasons, which resignation was accepted by the Board of Education.

d) As of February 26, 1968, plaintiff was appointed to the Comsewogue Elementary School as a part-time vocal music teacher, and thereafter served as a kindergarten and second grade teacher.

e) In 1970, plaintiff stopped working in order to adopt a child.

f) In 1972, plaintiff was granted a probationary appointment as a second grade teacher, and continued to function as such until her services were discontinued in July, 1975.

4) Annexed hereto as Exhibits are true copies of documents contained in the files and records of the School District, as follows:

a) Letter dated June 20, 1966, addressed to the District Principal and to the Principal of the Comsewogue School by plaintiff requesting a one-year leave of absence. (Exhibit A)

b) Letter dated July 1, 1966 from the District Principal to plaintiff advising her that her request had been granted. (Exhibit B)

c) Plaintiff's letter of resignation dated May 1, 1967. (Exhibit C)

d) Minutes of the meeting of the Board of Education, held on May 15, 1967, at which plaintiff's resignation was accepted unanimously. (Exhibit D)

e) Memorandum dated February 14, 1968, advising District Payroll Department of plaintiff's appointment as a part-time vocal music teacher. (Exhibit E)

f) Probationary appointment of plaintiff as an elementary school teacher effective September 1, 1972. (Exhibit F)

5) On or about August 3, 1970, I received two letters addressed to the Board of Education, both dated July 30, 1970, one from plaintiff and the other from Robert Johnson, the principal at the Comsewogue School. Both letters requested that a leave of absence be granted to plaintiff so that she could adopt and care for a child. Copies of these letters are annexed hereto as Exhibit G, collectively.

6) The letters were submitted to the Board at its regular meeting on August 3, 1970. The Board declined to grant such leave, it not being the policy of the District at the time to grant leaves for purposes of adoption. Plaintiff was so advised by letter dated August 12, 1970, from STUART T. PORTER, JR., the President of the Board, and by my letter dated

August 24, 1970, copies of which are annexed hereto as Exhibit H, collectively.

7) As can be gleaned from my letter of August 24, 1970, the decision to deny plaintiff's request for leave was made strictly upon considerations of School District policy, and plaintiff was urged to apply again for employment in the District should she decide to return to teaching.

8) In March of 1975, during the third year of plaintiff's probationary appointment, upon examination of evaluation forms submitted to me by Robert Johnson, including three referring to the plaintiff, I noted certain incorrect entries. I immediately contacted FREDERIC BLOCK, ESQ., the School District's attorney, for purposes of seeking legal counsel.

9) Mr. Block advised me that, in view of the sensitive nature of my discovery, I keep my investigation and subsequent action confidential and avoid any form of public disclosure.

10) On or about March 21, 1975, I met in private with the plaintiff and gave her a full opportunity to explain the errors that I noted upon the evaluation forms signed by her.

11) Thereafter, I met with Robert Johnson, again in complete privacy, in order to permit him to explain his incorrect reports.

12) On March 24, 1975, I again met with plaintiff and orally advised her that I would not recommend her for tenure at the conclusion of her probationary period.

13) On or about April 1, 1975, pursuant to Article IV of the collective bargaining agreement respecting teachers in the District, a copy of which is annexed hereto as Exhibit I, I advised the plaintiff in writing to the same effect. A copy of the memorandum delivered to the plaintiff is attached to the complaint as Exhibit I.

14) By letter dated April 7, 1975, plaintiff requested the reasons for my decision not to recommend her for tenure, and I responded to her request by letter dated April 10, 1975. Copies of these letters are annexed to the complaint as Exhibits II and III, respectively.

15) On April 14, 1975, I met with the Board of Education in executive session, and presented to the Board the results of my confidential investigation of Mr. Johnson. The Board found that probable cause existed for preferring six formal charges against Mr. Johnson. Again, on May 12, 1975, the Board preferred yet an additional charge against Mr. Johnson. In each instance, notice of the charges were delivered to him, as required by §3020-a of the New York State Education Law. Copies of the foregoing notices are annexed hereto as Exhibit J, collectively.

16) The attorney for the District, Mr. Block, was present at both sessions above-mentioned, and at each session admonished me and the Board to maintain strict confidentiality in our handling of this delicate matter, to make no comment to the news media, and to refrain from permitting any public disclosure of any nature in connection with the circumstances and individuals involved.

17) On or about June 3, 1975, I received a copy of a letter sent to the plaintiff by JAMES HINES, the Superintendent of the Supervisory District, which includes the Brookhaven-Comsewogue Union Free School District, advising the plaintiff that he would not recommend her for tenure as an elementary classroom teacher in the District, and that his decision would be reviewed at a meeting of the Board of Education then scheduled for July 7, 1975. A copy of such letter is annexed hereto as Exhibit K.

18) On June 4, 1975, in anticipation of the need of the Board of Education to comply with §3031 of the New York State Education Law, commonly known as the Fair Dismissal Law, Mr. Block advised me in writing of the applicable procedures, requesting that I provide copies to the members of the Board. A copy of Mr. Block's letter-memorandum is annexed hereto as Exhibit L.

19). Upon the demand of Robert Johnson, a hearing was held, upon the charges against him, pursuant to the mandatory provisions of §3020-a of the New York State Education Law, on June 12, June 23 and July 9, 1975, before Lawrence I. Hammer, the Hearing Officer designated by the Commissioner of Education, and a three-member hearing panel. Copies of the Findings and Recommendations of the hearing panel, dated September 12, 1975, whereby the panel found five of the seven charges to have been substantiated, and the decision of the Board of Education, dated November 20, 1975, are annexed hereto as Exhibits M and N, respectively.

20) On or about July 14, 1975, at a private workshop meeting of the Board of Education, Mr. Block appeared to personally explain to the Board their responsibilities under the State Education Law and the decisions of the courts of the state respecting the Gentile tenure matter. Mr. Block again instructed the Board to refrain from commenting to anyone in connection with such matter, and to refrain from disclosing any of the reasons advanced by me and by the District Superintendent for our negative recommendations. Mr. Block further advised the Board that at the Board meeting previously re-scheduled for July 21, 1975, they were to do nothing in public session, other than to receive whatever correspondence might be forthcoming from the public regarding the plaintiff, to hear and consider statements made by members of the public upon the question of

plaintiff's employment status, and to vote upon the question of whether to accept the recommendation of the District Superintendent, or to request that he reconsider.

21) On July 21, 1975, the meeting of the Board of Education convened before an audience of literally hundreds of members of the Port Jefferson Station Community. Mr. Block initially explained to the audience that the purpose of the meeting, apart from the conduct of the ordinary business of the Board, was for the Board to determine whether to accept the recommendation of the District Superintendent regarding the plaintiff's tenure status, or to request that he reconsider. Mr. Block advised the public that the Board would receive and consider any statements or correspondence dealing with plaintiff, but that the Board could not reveal any of the circumstances or materials under consideration, nor could the Board conduct its deliberations and discussions in public or disclose the reasons for any determination it might make.

22) The Board was then presented with a petition signed by some 700 parents, along with many other items of correspondence, and heard numerous statements from area residents, all of which uniformly supported plaintiff in her quest for tenure, and applauded her capabilities as a teacher of young children.

23). Following this lengthy public session, the Board retired to executive session to deliberate and consider the materials before it, including the recommendation of the District Superintendent, along with his reasons therefor, and the lengthy written response of the plaintiff. The plaintiff's 18-page letter-memorandum is annexed to the complaint as Exhibit VI.

24) Returning to public session, the Board voted unanimously to accept the District Superintendent's recommendation. See Board minutes annexed hereto as Exhibit O.

25) Almost immediately after I advised plaintiff of my position with respect to her tenure on April 1, 1975, and many weeks prior to the negative recommendation of the District Superintendent and the determination of the Board of Education, the Port Jefferson Station Teachers Association instituted a grievance on plaintiff's behalf, alleging a violation of Article IV of the collective bargaining agreement in effect in the District in that plaintiff was not given timely notice of termination, and seeking as relief the granting of tenure by default and an apology. (Compare with Counts V and VI of the complaint.) A copy of such grievance is attached as Exhibit P.

26) On or about April 25, 1975, the Teachers Association demanded arbitration with respect to the above grievance, pursuant to Article XXVIII of the collective bargaining agreement. A copy of the Demand for Arbitration is attached as Exhibit Q.

27) Within twenty (20) days thereafter, the School District brought a special proceeding in State Supreme Court, seeking to permanently stay the proposed arbitration. By his memorandum decision, dated August 29, 1975, Justice Gordon M. Lipetz, granted the application of the School District, holding that as a matter of law the article of the collective bargaining agreement relied upon by the Association "is invalid and of no effect." Copies of the decision and judgment entered thereon are annexed as Exhibit R, collectively.

28) The Teachers Association has served a notice of appeal to the Appellate Division of the Supreme Court, but such appeal has not as yet been perfected.

29) At no time during the lengthy period in which I was involved in the Gentile matter, did I make or permit disclosure of any kind of the ingredient circumstances to the public, the press, prospective employers or anyone else. Instead, I followed to the letter the instructions of the School District's attorney to maintain confidentiality. At no time, other than in the course of litigation initiated by plaintiff or by her bargaining representative at her instance, have any documents contained in her personnel file been revealed to anyone.

30) During the nine years that I have been District

Principal, I have strictly enforced a policy with respect to personnel files that, to the best of my knowledge, has been in force for years prior to my administration. Such policy consists in the following rules:

a) Employees may examine their files only in the presence of a member of the central administrative staff, so as to insure that no documents or notations may be deleted or added.

b) No third parties may view any of the contents of an employee's file, other than in the presence and with the consent of the employee.

c) Prospective employers of District employees or former District employees are never given access to any documents contained in personnel files, other than upon the express request of the employee involved.

31) In the case of the plaintiff, no information from her file has been given to any prospective employer, nor, to my knowledge, has any been sought. In particular, the reasons for the denial of tenure have not been communicated to any employer to whom she has applied for a position.

32) It is my firm intention to continue such policy as long as I am an administrator in the Comsewogue School District.

BEST COPY AVAILABLE

33) Plaintiff asserts that the defendants somehow caused newspaper reports to be issued concerning her employment status in the District. Such assertion is without foundation in fact. The officials of the School District have steadfastly refused to comment to the press or to anyone else concerning the plaintiff, and if anyone has been responsible for publicizing the circumstances of the plaintiff's termination, it is the plaintiff herself and/or her host of loyal supporters. Witness, for example, the newspaper clippings attached hereto as Exhibit S, collectively, and in particular the letter from an irate parent complaining about my silence in the Gentile matter.

34) On October 1, 1975, plaintiff's sworn deposition was taken before a notary public with respect to some of the claims interposed herein. See transcript attached as Exhibit T. Nowhere in her deposition does plaintiff allege as a basis for her claim that any of the defendants communicated with the press.

35) With respect to plaintiff's demand for reinstatement as a teacher in the District, if such relief were granted, the School District, as well as individuals not privy to this proceeding, would be severely prejudiced.

36) For the second successive year, the School District budget, designed to maintain services at the level of the previous year, has been overwhelmingly defeated by the voting

public, necessitating drastic economies. See copy of minutes of budget defeat attached hereto as Exhibit U. In response to the clearly expressed public demand for budget cuts, the Board of Education authorized the mailing of termination letters to 38 teachers. A copy of one such letter, and a list of the affected teachers constitute Exhibit V. The School District simply cannot afford to take on the burdens of an additional salary at this juncture. Furthermore, teaching schedules and the composition of classes have long been formulated for the next school year, and a change in the teaching staff now would create inordinate administrative difficulties. If the District were compelled to rehire plaintiff, some other teacher would have to be terminated. Indeed, plaintiff would then, by virtue of this Court's order, be placed in a better position than 39 of her colleagues, most of whom were tenured employees of the District. There can be no justification for such a result.

John W Wallen
JOHN W. WALLEN

Sworn to before me this
15th day of July, 1976

Tina Farrell
Notary Public

TINA FARRELL
NOTARY PUBLIC, State of New York
Qualified in Suffolk County
No. 52-1167687
Commission Expires March 30, 1977

EXHIBIT A, ANNEXED TO WALLEN AFFIDAVIT,
LETTER DATED June 20, 1966, FROM GLADYS
GENTILE TO DISTRICT PRINCIPAL AND PRINCIPAL OF COMSEWOGUE SCHOOL
DISTRICT

Harrison Ave.
Miller Place, N.Y.
June 20, 1966

Mr. Royce: Supervising Principal.
Mr. Johnson. Comsewogue Principal.
Port Jefferson Station Schools
Port Jefferson, New York.

Dear Mr. Royce & Mr. Johnson:

On the basis of recent medical tests I feel that I need some time away from my regular teaching duties. Therefore I request a one year's leave of absence from my teaching at Comsewogue school.

Thank you for your consideration of this request.

Sincerely yours,

Gladys N. Gentile

Approved
6.30.81

EXHIBIT A

Exhibit B Annexed to Wallen Affidavit,
Letter Dated July 1, 1966 From District
Principal to Gladys Gentile

1 July 1966

Mrs. Gladys N. Gentile
Harrison Ave.
Miller Place, New York

Dear Mrs. Gentile:

At a special meeting of the Board of Education on June 30, 1966, the Board unanimously granted your request for a leave of absence for the school year 1966-67.

We sincerely hope this leave will prove beneficial to you and that you will be able to return to our district the following year.

Very truly yours,

Deane H. Royce,
Dist. Principal

DHR/pn

EXHIBIT B

Exhibit C Annexed to Wallen Affidavit,
Letter of Resignation Dated May 1, 1967

Harrison Ave
Miller Place, N.Y.
May 1, 1967.

Mr. Johnson, Principal Comsewogue School
Port Jefferson Station Schools
Port Jefferson Station, N.Y.

Dear Mr. Johnson:

I find it necessary to resign from the teaching staff of Comsewogue School. The reason for this decision is that my husband and I are planning to adopt a young child in the very near future. Due to the nature of the lengthy adoption proceedings it was not possible to inform you of this at an earlier date.

It is with genuine regret that I leave Conewago school and my kindergarten friends. However I hope I may be of service again to the district at a later date.

Yours truly,

Gladys N. Gentile

EXHIBIT C

Exhibit D Annexed To Wallen Affidavit,
Minutes of Board of Education Meeting
of May 15, 1967

BOARD OF EDUCATION
UNION FREE SCHOOL DISTRICT #3
Port Jefferson Station, New York

Regular Meeting
May 15, 1967

8:30 p.m. Library
J. F. Kennedy School

MINUTES

Board of Education trustees present: Poulos, Bellin, Sill, Busa, Kirkland, Craine, and Schur. Guest: D.H. Royce, District Principal.

Motion by Schur, seconded by Kirkland to accept the minutes of the March 2nd, 6th, and April 13th meetings. Motion carried.

Motion by Craine, seconded by Busa to table the minutes of the April 24th meeting for clarification of two motions. Motion carried.

Motion by Bellin, seconded by Schur to accept the May 1st minutes. Motion carried unanimously.

Motion by Bellin, seconded by Schur to accept the May 4th minutes as corrected. Motion carried unanimously.

Motion by Bellin, seconded by Schur to accept the Treasurer's report (as read by Mr. Poulos). Motion carried unanimously.

Motion by Schur, seconded by Busa to ask Mr. Luschinger before the board on Monday, May 22nd, to discuss land exchange as per motion at the April 24th meeting. Motion carried. Mr. Craine to contact Mr. Luschinger to arrange the meeting.

Motion by Bellin, seconded by Kirkland to send a letter of congratulation to the two students who made "Student of the Month". Miss Lorraine Brara for month of March, and Miss Janie Hernando for the month of April. Motion carried unanimously.

Motion by Schur, seconded by Sill to accept the tenure of Mr. Kenneth Jensen. Motion carried unanimously.

Motion Motion by Craine, seconded by Busa to grant a leave of absence for school year 9/67-9/68 to Mr. Henry Feinstein and Mrs. Elaine Narby. Motion carried unanimously.

EXHIBIT D

May 15, 1967 (continued)

Motion by Busa, seconded by Bellin to accept Mrs. Helen DeHart, and Mrs. Dorothy Brennan for permanent appointments. Motion carried unanimously.

Motion by Busa, seconded by Sill to include monies necessary in the budget to transport students to private school up to the distance of 25 miles. Motion defeated 5-2.

Motion by Busa, seconded by Sill for total busing of all school children. Motion defeated 4-3.

Motion by Busa, seconded by Bellin to have speed zone signs installed on all school streets. Motion carried unanimously.

Motion by Bellin, seconded by Busa to accept the District Principal's report as submitted by Mr. D. H. Royce. Motion carried unanimously.

Motion by Bellin, seconded by Sill to adjourn regular meeting at 9:45 p.m. to go into executive meeting. Motion carried unanimously.

EXHIBIT D

EXHIBIT E, ANNEXED TO WALLEN
AFFIDAVIT, MEMORANDUM DATED
FEBRUARY 14, 1968

UNION FREE SCHOOL DISTRICT #3
Town of Brookhaven
Port Jefferson Station, New York

MEMORANDUM

TO: Payroll Department
FROM: Peg Nystedt
DATE: February 14, 1968
RE: New Teacher Appointments

Please be advised that the following teachers have been newly appointed to our staff:

Name	School	Grade/Area	Schedule/Step/Salary	Retirement	Payment Election	Eff. Date
* GENTILE, Gladys	COMSEWOGUE	Voc. Mus.	BA+30 - 6 - rate of $8505 (Part Time - 2 1/2 days per week)	—	10 payment	2/26/68
BROMBERG, Mary	TERRYVILLE	Gr. 3	MA - 9 - rate of $9765		1/20m	4/15/68

* NOTE: Mrs. Anita Gelber, Comsewogue Vocal Music, is reducing her teaching time from full time to 2 1/2 days per week effective 2/5/68. Please adjust pay accordingly.

Please prepare payroll card accordingly.

PN

EXHIBIT E

Exhibit F, Annexed to Wallen Affidavit,
Probation Appointment of Gladys Gentile
Effective September 1, 1972

UNION FREE SCHOOL DISTRICT #3
Port Jefferson Station, New York

PROBATIONARY APPOINTMENT FORM

Board of Education
Comsewogue School District
Port Jefferson Station, N. Y. 11776

July 12, 1972

Dear Board Members:

I, John W. Wallen, District Principal of this school district, in accordance with Section 3013 of the Education Law of New York State, hereby recommend the probationary appointment of the following teacher or teachers in accordance with the schedule listed below:

Name	Tenure Area	Annual Salary Rate	Salary Schedule Step	Year of Probation	Effective Date
Gentile, Gladys	Elem.	Open	BA+30-7	1972	9/1/72
✓ Semple, Susan	Elem.	Open	MA - 1	1972	9/1/72
Gumpert, Ronald	Consultant for Youth*	Open	MA+30-10	1972	9/1/72
Hughes, Kathleen ✓	Elem.	Open	BA - 1	1972	9/1/72
✓ Moore, Suzanne	Elem. Art	Open	BA - 1	1972	9/1/72
✓ Wirkus, Paul	Gen. Sci.	Open	BA - 1	1972	9/1/72

* - Mr. Gumpert resigned as School Psychologist and will remain on our staff as a Consultant for Youth with Special Problems.

Respectfully submitted,

John W Wallen
District Principal

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I, William F. Phelan, District Superintendent of Schools in the Second Supervisory District of Suffolk County, upon the receipt of the above recommendation hereby approve the probationary appointment of the teacher or teachers as listed above.

William F. Phelan
District Superintendent

The above recommendations were approved by the Board of Education of Union Free School District No. 3 of the Town of Brookhaven at a meeting held on July 17, , 1972

District Clerk

DP 105B

EXHIBIT F

Exhibit G, Annexed To Wallen Affidavit, Letter from Gladys Gentile, Dated July 30, 1970

102 Jefferson Avenue
Port Jefferson, N.Y. 11777

July 30, 1970

The Board of Education
Comsewogue School District
Port Jefferson Station
New York 11776

Attention: President Board of Education

Gentlemen:

I respectfully request a leave of absence to become effective September 1, 1970, for the reason of maternity. Due to the fact that I did not know a baby would be due late in 1970 until mid-July, I realize that this request is of rather short notice. However, as soon as I was aware of my situation, I immediately called Mr. Johnson and discussed this matter with him personally on July 20th. At that time both Mr. Johnson and myself agreed that in the best interest of the children(of my class) that it would be wisest not to commence a year's teaching assignment that obviously could not be completed.

As a teacher who has long been professionally associated with the Comsewogue School District as follows:

1962 - 1966 Kindergarten (tenure granted)
1967 Music Specalist-part time beginning 2nd term at request of Mr. Johnson
1968 - 1969 Kindergarten
1969 - 1970 Grade teacher;

I am hopeful that you will consider my request for maternity leave as reasonable one.

If you have need for any further information concerning this request please contact me or Mr. Johnson.

Thank you for your consideration of this matter.

Yours truly,

Gladys N. Gentile

Gladys N. Gentile

EXHIBIT G

Exhibit G, Annexed To Wallen Affidavit,
Letter from Robert Johnson, Dated July
30, 1970

Comsewogue School District

COMSEWOGUE ELEMENTARY SCHOOL
51 TERRYVILLE RD.
PORT JEFFERSON STATION, NEW YORK 11776
Area Code 516 473-8100

JOHN W. WALLEN
DISTRICT PRINCIPAL

ROBERT J. JOHNSON
BUILDING PRINCIPAL

July 30, 1970

Board of Education
Comsewogue School District
Port Jefferson Station
New York 11776

Dear Sirs:

Mrs. Gentile has been a teacher at Comsewogue for five years and in the district about seven.

While at Comsewogue she has been an outstanding teacher and one I dislike to lose.

She has informed me that she finds it necessary to request a leave of absence because she is adopting a baby and the opportunity arose much sooner than expected.

I would like to recommend that her request be granted since she is a person who is and will be a decided asset to the district.

Very truly yours,

Robert J. Johnson
Principal

RJJ/hd

EXHIBIT G

Exhibit H, Annexed to Wallen Affidavit
Letter from Stuart H. Potter, Dated
August 12, 1970

August 12, 1970

Mrs. Gladys N. Gentile
102 Jefferson Avenue
Port Jefferson, New York 11777

Dear Mrs. Gentile:

This letter is in reply to your letter of July 30, 1970, to the Board of Education requesting a leave of absence to become effective September 1, 1970, for the reason of maternity.

The Board of Education considered this request at their Regular Board Meeting of August 3, 1970, and felt that in light of the existing district policy regarding this matter, no action should be taken.

Sincerely,

Stuart T. Porter, Jr.
President

/pr

EXHIBIT H

Exhibit H, Annexed To Wallen Affidavit,
Letter from John W. Wallen, Dated August
24, 1970

August 24, 1970

Mrs. Gladys N. Gentile
102 Jefferson Ave.
Port Jefferson, New York 11777

Dear Mrs. Gentile:

I am writing to advise you that the Board of Education did review your letter of July 30 in which you requested a leave of absence.

Although it is not the policy of the Board to grant leaves of absence at this time, both the Board of Education and the administration feel that should you decide not to teach during the 1970/71 school year, you will be given very serious and primary consideration for any vacancy which may be available and for which you qualify when you do decide to return to teaching. Your application at that time will be most welcome.

Very truly yours,

John W. Wallen,
District Principal

JWW/pn

EXHIBIT H

C. Credit for service in the field of business may be granted as follows: one full year for each full year of related business experience not to exceed a total of four years.

D. Appointment notices for teaching staff in the following year will be returned to the District Principal no later than ten (10) days after receipt of the same from the District Principal. This appointment agreement is to indicate intent to return to the employ of the district under the employment contract agreed upon by the Board and the Association. This notification of intent to return is not binding beyond May 1st of the present year. The form to be used will be agreed upon by the District Principal and President of the Association.

ARTICLE IV

TENURE

A. The probationary period for all non-tenured teachers shall be in accordance with Section 3013 of the N.Y. State Education Law.

B. In cases where non-tenure employees services are not required beyond June 30th of a particular year, they will be notified, in writing, no later than ninety (90) days in advance of that date. Failure to render such notification shall result in the granting of tenure by default. Every effort will be made by the District Principal to give greater notification when possible.

ARTICLE V

JURY DUTY

A. Teachers who are selected for jury duty shall suffer no loss of benefits.

B. Any remuneration received by a teacher over and above his expenses for transportation, meals and other incidentals shall be forwarded to the Board of Education.

C. Teachers under subpoena in school-related matters will suffer no loss of pay or other benefits.

ARTICLE VI

PHYSICAL EXAM

A. Each employee shall undergo a physical examination prior to the opening day of school of the first year of employment, and every third year thereafter. This examination shall include at least the following: a check of reflexes, heart, blood pressure, lungs, eyes, ears, and throat, a urine analysis, and an examination for the presence of hernia. The examination shall be reported to the District Principal on a form provided by the District.

B. The school nurse teachers shall, subject to approval by the District Office, administer the "Tine" tuberculosis test to all teachers each year.

EXHIBIT I

EXHIBIT J, ANNEXED TO WALLEN AFFIDAVIT,
CHARGES PREFERRED AGAINST ROBERT J. JOHNSON
DATED APRIL 15, 1975 AND MAY 13, 1975

THE UNIVERSITY OF THE STATE OF NEW YORK
THE STATE EDUCATION DEPARTMENT
DIVISION OF EDUCATIONAL MANAGEMENT SERVICES
ALBANY, NEW YORK 12210

NOTICE OF DETERMINATION OF PROBABLE CAUSE ON CHARGES BROUGHT AGAINST TENURED SCHOOL DISTRICT EMPLOYEE
SECTION 3020-A
EDUCATION LAW

To: ROBERT J. JOHNSON

Please be advised that the Board of Education of the BROOKHAVEN-COMSEWOGUE SCHOOL DISTRICT, 400 Jayne Boulevard, Port Jefferson Station, New York 11776, meeting in executive session on April 14, 1975, has found that there is probable cause for the following charge preferred against you by JOHN W. WALLEN, School District Principal:

FIRST CHARGE: That on June 12, 1973, ROBERT J. JOHNSON, a tenured employee of the BROOKHAVEN-COMSEWOGUE SCHOOL DISTRICT, being the Principal of the Comsewogue Elementary School, purported to evaluate GLADYS GENTILE, a teacher in the Comsewogue Elementary School, certifying to and reporting such an evaluation on a certain prescribed TEACHER EVALUATION FORM, when, in fact, no such evaluation transpired on this date, his certification and report being knowingly and intentionally false.

Date of Notice: April 15, 1975

PIERINA ROBERTO, District Clerk
BROOKHAVEN-COMSEWOGUE SCHOOL DISTR

Attached is a copy of the rights of tenured employees under Section 3020-A of the Education Law. A copy of this charge is being forwarded to the New York State Commissioner of Education, as required by law.

EXHIBIT J

THE UNIVERSITY OF THE STATE OF NEW YORK
THE STATE EDUCATION DEPARTMENT
DIVISION OF EDUCATIONAL MANAGEMENT SERVICES
ALBANY, NEW YORK 12210

SUPPLEMENTAL NOTIFICATION OF BOARD VOTE
DETERMINATION OF PROBABLE CAUSE
SECTION 3020-A, EDUCATION LAW

To: The Commissioner of Education

This finding of probable cause was affirmed by the following Board members, constituting a majority:

1) WILLIAM MARTIN
2) FRANK D'ADDARIO
3) JEROME FLESCHER
4) ARTHUR HOWARD
5) PETER SAPIENZA
6) LEWIS WEINERMAN

The following Board members, constituting a minority, voted against a finding of probable cause:

1) EDRIS CLARK

Date: April 15, 1975

S/
PIERINA ROBERTO, District Clerk

EXHIBIT J

THE UNIVERSITY OF THE STATE OF NEW YORK
THE STATE EDUCATION DEPARTMENT
DIVISION OF EDUCATIONAL MANAGEMENT SERVICES
ALBANY, NEW YORK 12210

NOTICE OF DETERMINATION OF PROBABLE CAUSE ON CHARGES BROUGHT AGAINST TENURED SCHOOL DISTRICT EMPLOYEE
SECTION 3020-A
EDUCATION LAW

To: ROBERT J. JOHNSON

Please be advised that the Board of Education of the BROOKHAVEN-COMSEWOGUE SCHOOL DISTRICT, 400 Jayne Boulevard, Port Jefferson Station, New York 11776, meeting in executive session on April 14, 1975, has found that there is probable cause for the following charge preferred against you by JOHN W. WALLEN, School District Principal:

SECOND CHARGE: That on May 16, 1974, ROBERT J. JOHNSON, a tenured employee of the BROOKHAVEN-COMSEWOGUE SCHOOL DISTRICT, being the Principal of the Comsewogue Elementary School, purported to evaluate MAUREEN SPANOS, a teacher in the Comsewogue Elementary School, certifying to and reporting such an evaluation on a certain prescribed TEACHER EVALUATION FORM, when, in fact, no such evaluation transpired on this date, his certification and report being knowingly and intentionally false.

Date of Notice: April 15, 1975

PIERINA ROBERTO, District Clerk
BROOKHAVEN-COMSEWOGUE SCHOOL DISTRIC

Attached is a copy of the rights of tenured employees under Section 3020-A of the Education Law. A copy of this charge is being forwarded to the New York State Commissioner of Education, as required by law.

EXHIBIT. J

THE UNIVERSITY OF THE STATE OF NEW YORK
THE STATE EDUCATION DEPARTMENT
DIVISION OF EDUCATIONAL MANAGEMENT SERVICES
ALBANY, NEW YORK 12210

SUPPLEMENTAL NOTIFICATION OF BOARD VOTE
DETERMINATION OF PROBABLE CAUSE
SECTION 3020-A, EDUCATION LAW

To: The Commissioner of Education

This finding of probable cause was affirmed by the following Board members, constituting a majority:

1) WILLIAM MARTIN
2) FRANK D'ADDARIO
3) JEROME FLESCHER
4) ARTHUR HOWARD
5) PETER SAPIENZA
6) LEWIS WEINERMAN

The following Board members, constituting a minority, voted against a finding of probable cause:

1) EDRIS CLARK

Date: April 15, 1975

PIERINA ROBERTO, District Clerk

EXHIBIT J

THE UNIVERSITY OF THE STATE OF NEW YORK
THE STATE EDUCATION DEPARTMENT
DIVISION OF EDUCATIONAL MANAGEMENT SERVICES
ALBANY, NEW YORK 12210

NOTICE OF DETERMINATION OF PROBABLE CAUSE ON CHARGES BROUGHT AGAINST TENURED SCHOOL DISTRICT EMPLOYEE

SECTION 3020-A
EDUCATION LAW

To: ROBERT J. JOHNSON

Please be advised that the Board of Education of the BROOKHAVEN-COMSEWOGUE SCHOOL DISTRICT, 400 Jayne Boulevard, Port Jefferson Station, New York 11776, meeting in executive session on April 14, 1975, has found that there is probable cause for the following charge preferred against you by JOHN W. WALLEN, School District Principal:

THIRD CHARGE: That on November 14, 1974, ROBERT J. JOHNSON, a tenured employee of the BROOKHAVEN-COMSEWOGUE SCHOOL DISTRICT, being the Principal of the Comsewogue Elementary School, purported to evaluate GLADYS GENTILE, a teacher in the Comsewogue Elementary School, certifying to and reporting such an evaluation on a certain prescribed TEACHER EVALUATION FORM, when, in fact, no such evaluation transpired on this date, his certification and report being knowingly and intentionally false.

Date of Notice: April 15, 1975

PIERINA ROBERTO, District Clerk
BROOKHAVEN-COMSEWOGUE SCHOOL DIST

Attached is a copy of the rights of tenured employees under Section 3020-A of the Education Law. A copy of this charge is being forwarded to the New York State Commissioner of Education, as required by law.

EXHIBIT J

THE UNIVERSITY OF THE STATE OF NEW YORK
THE STATE EDUCATION DEPARTMENT
DIVISION OF EDUCATIONAL MANAGEMENT SERVICES
ALBANY, NEW YORK 12210

SUPPLEMENTAL NOTIFICATION OF BOARD VOTE
DETERMINATION OF PROBABLE CAUSE
SECTION 3020-A, EDUCATION LAW

To: The Commissioner of Education

This finding of probable cause was affirmed by the following Board members, constituting a majority:

1) WILLIAM MARTIN
2) FRANK D'ADDARIO
3) JEROME FLESCHER
4) ARTHUR HOWARD
5) PETER SAPIENZA
6) LEWIS WEINERMAN

The following Board members, constituting a minority, voted against a finding of probable cause:

1) EDRIS CLARK

Date: April 15, 1975

PIERINA ROBERTO, District Clerk

EXHIBIT J

THE UNIVERSITY OF THE STATE OF NEW YORK
THE STATE EDUCATION DEPARTMENT
DIVISION OF EDUCATIONAL MANAGEMENT SERVICES
ALBANY, NEW YORK 12210

NOTICE OF DETERMINATION OF PROBABLE CAUSE ON CHARGES BROUGHT AGAINST TENURED SCHOOL DISTRICT EMPLOYEE
SECTION 3020-A
EDUCATION LAW

To: ROBERT J. JOHNSON

Please be advised that the Board of Education of the BROOKHAVEN-COMSEWOGUE SCHOOL DISTRICT, 400 Jayne Boulevard, Port Jefferson Station, New York 11776, meeting in executive session on April 14, 1975, has found that there is probable cause for the following charge preferred against you by JOHN W. WALLEN, School District Principal:

FOURTH CHARGE: That ROBERT J. JOHNSON, a tenured employee of the BROOKHAVEN-COMSEWOGUE SCHOOL DISTRICT, being the Principal of the Comsewogue Elementary School, purported to sign and execute a certain prescribed TEACHER EVALUATION FORM on May 16, 1973 in respect to GLADYS GENTILE, a teacher in the Comsewogue Elementary School, wherein he declared and represented that on that date he discussed with this teacher his evaluation of her teaching abailities, which declaration and representation was knowingly and intentionally false.

Date of Notice: April 15, 1975

PIÈRINA ROBERTO, District Clerk
BROOKHAVEN-COMSEWOGUE SCHOOL DISTRI

Attached is a copy of the rights of tenured employees under Section 3020-A of the Education Law. A copy of this charge is being forwarded to the New York State Commissioner of Education, as required by law.

EXHIBIT J.

THE UNIVERSITY OF THE STATE OF NEW YORK
THE STATE EDUCATION DEPARTMENT
DIVISION OF EDUCATIONAL MANAGEMENT SERVICES
ALBANY, NEW YORK 12210

NOTICE OF DETERMINATION OF PROBABLE CAUSE ON CHARGES BROUGHT AGAINST TENURED SCHOOL DISTRICT EMPLOYEE
SECTION 3020-A
EDUCATION ALW

To; ROBERT JOHNSON

Please be advised that the Board of Education of the BROOKHAVEN-COMSEWOGUE SCHOOL DISTRICT, 400 Jayne Boulevard, Port Jefferson Station, New York 11776, meeting in executive session on April 14, 1975, has found that there is probable cause for the following charge preferred against you by JOHN W. WALLEN, School District Principal:

FIFTH CHARGE: That ROBERT J. JOHNSON, a tenured employee of the BROOKHAVEN-COMSEWOGUE SCHOOL DISTRICT, being the Principal of the Comsewogue Elementary School, purported to sign and execute a certain prescribed TEACHER EVALUATION FORM on November 16, 1974 in respect to GLADYS GENTILE, a teacher in the Comsewogue Elementary School, wherein he declared and represented that on that date he discussed with this teacher his evaluation of her teaching abilities, which declaration and representation was knowingly and intentionally false.

Date of Notice: April 15, 1975

PIERINA ROBERTO, District Clerk
BROOKHAVEN-COMSEWOGUE SCHOOL DISTRI

Attached is a copy of the rights of tenured employees under Section 3020-A of the Education Law. A copy of this charge is being forwarded to the New York State Commissioner of Education, as required by law.

EXHIBIT J

THE UNIVERSITY OF THE STATE OF NEW YORK
THE STATE EDUCATION DEPARTMENT
DIVISION OF EDUCATIONAL MANAGEMENT SERVICES
ALBANY, NEW YORK 12210

SUPPLEMENTAL NOTIFICATION OF BOARD VOTE
DETERMINATION OF PROBABLE CAUSE
SECTION 3020-A, EDUCATION LAW

To: The Commissioner of Education:

This finding of probable cause was affirmed by the following Board members, constituting a majority:

1) WILLIAM MARTIN
2) FRANK D'ADDARIO
3) JEROME FLESCHER
4) ARTHUR HOWARD
5) PETER SAPIENZA
6) LEWIS WEINERMAN
7) EDRIS CLARK

The following Board members, constituting a minority, voted against a finding of probable cause:

NONE.

Date: April 15, 1975

PIERINA ROBERTO, District Clerk

EXHIBIT J

THE UNIVERSITY OF THE STATE OF NEW YORK
THE STATE EDUCATION DEPARTMENT
DIVISION OF EDUCATIONAL MANAGEMENT SERVICES
ALBANY, NEW YORK 12210

NOTICE OF DETERMINATION OF PROBABLE CAUSE ON CHARGES BROUGHT AGAINST TENURED SCHOOL DISTRICT EMPLOYEE
SECTION 3020-A EDUCATION LAW

To: ROBERT JOHNSON

Please be advised that the Board of Education of the BROOKHAVEN-COMSEWOGUE SCHOOL DISTRICT, 400 Jayne Boulevard, Port Jefferson Station, New York 11776, meeting in executive session on April 14, 1975, has found that there is probable cause for the following charge preferred against you by JOHN W. WALLEN, School District Principal:

SIXTH CHARGE: That in respect to Charges 1 through 5 inclusive, the said ROBERT J. JOHNSON in each and every circumstance set forth therein requested, demanded, induced and compelled the affected teachers, being the said GLADYS GENTILE and MAUREEN SPANOS, to become a signatory to their respective evaluation reports, thereby requiring and compelling them to falsely certify, declare and report that they were evaluated by the said ROBERT J. JOHNSON on days when, in fact, no such evaluations transpired, and that they discussed their evaluation reports with the said ROBERT J. JOHNSON on days when, in fact, no such discussions transpired.

Date of Notice: April 15, 1975

PIERINA ROBERTO, District Clerk
BROOKHAVEN-COMSEWOGUE SCHOOL DISTR

Attached is a copy of the rights of tenured employees under Section 3020-A of the Education Law. A copy of this charge is being forwarded to the New York State Commissioner of Education, as required by law.

EXHIBIT J

THE UNIVERSITY OF THE STATE OF NEW YORK
THE STATE EDUCATION DEPARTMENT
DIVISION OF EDUCATIONAL MANAGEMENT SERVICES
ALBANY, NEW YORK 12210

SUPPLEMENTAL NOTIFICATION OF BOARD VOTE
DETERMINATION OF PROBABLE CAUSE
SECTION 3020-A, EDUCATION LAW

To: The Commissioner of Education

This finding of probable cause was affirmed by the following Board members, constituting a majority:

1) WILLIAM MARTIN
2) FRANK D'ADDARIO
3) JEROME FLESCHER
4) ARTHUR HOWARD
5) PETER SAPIENZA
6) LEWIS WEINERMAN

The following Board members, constituting a minority, voted against a finding of probable cause:

NONE.

The following Board members, constituting a minority, abstained on the finding of probable cause:

1) EDRIS CLARK

Date: April 15, 1975

PIERINA ROBERTO, District Clerk

EXHIBIT J

THE IVERSITY OF THE STATE OF V YORK
THE STATE EDUCATION DEPARTMENT
DIVISION OF EDUCATIONAL MANAGEMENT SERVICES
ALBANY, NEW YORK 12210

NOTICE OF DETERMINATION OF PROBABLE CAUSE ON CHARGES BROUGHT AGAINST TENURED SCHOOL DISTRICT EMPLOYEE
SECTION 3020-A
EDUCATION LAW

To: ROBERT J. JOHNSON

Please be advised that the Board of Education of the BROOKHAVEN-COMSEWOGUE SCHOOL DISTRICT, 400 Jayne Boulevard, Port Jefferson Station, New York 11776, meeting in executive session on May 12, 1975, has found that there is probable cause for the following charge preferred against you by JOHN W. WALLEN, School District Principal:

CHARGE: That on November 6, 1973, ROBERT J. JOHNSON, a tenured employee of the BROOKHAVEN-COMSEWOGUE SCHOOL DISTRICT, being at that time the Principal of the Comsewogue Elementary School, purported to evaluate GLADYS GENTILE, a teacher in the Comsewogue Elementary School, certifying to and reporting such an evaluation on a certain prescribed TEACHER EVALUATION FORM, when in fact no such evaluation transpired on this date, his certification and report being knowingly and intentionally false; and said ROBERT J. JOHNSON purported to sign and execute this form on November 6, 1973 wherein he declared and represented that on that date he discussed with this teacher his evaluation of her teaching abilities, which declaration and representation was knowingly and intentionally false.

Date of Notice: May 13, 1975

PIERINA ROBERTO, District Clerk
BROOKHAVEN-COMSEWOGUE SCHOOL DISTRI

Attached is a copy of the rights of tenured employees under Section 3020-A of the Education Law. A copy of this charge is being forwarded to the New York State Commissioner of Education, as required by law.

EXHIBIT J

THE UNIVERSITY OF THE STATE OF NEW YORK
THE STATE EDUCATION DEPARTMENT
DIVISION OF EDUCATIONAL MANAGEMENT SERVICES
ALBANY, NEW YORK 12210

SUPPLEMENTAL NOTIFICATION OF BOARD VOTE
DETERMINATION OF PROBABLE CAUSE
SECTION 3020-A, EDUCATION LAW

To: The Commissioner of Education

This finding of probable cause was affirmed by the following Board members, constituting a majority:

1) WILLIAM MARTIN
2) FRANK D'ADDARIO
3) JEROME FLESCHER
4) ARTHUR HOWARD
5) PETER SAPIENZA
6) LEWIS WEINERMAN
7) EDRIS CLARK

The following Board members, constituting a minority, voted against a finding of probable cause:

NONE

Date: May 13, 1975

Pierina Roberto
PIERINA ROBERTO, District Clerk

Exhibit K, Annexed to Wallen Affidavit,
Letter from James Hines, dated June 2,
1975

THE UNIVERSITY OF THE STATE OF NEW YORK
THE STATE EDUCATION DEPARTMENT
SECOND SUPERVISORY DISTRICT OF SUFFOLK COUNTY
201 SUNRISE HIGHWAY
PATCHOGUE, NEW YORK 11772

JAMES HINES
DISTRICT SUPERINTENDENT OF SCHOOLS

TELEPHONE
(516) 289-2200

June 2, 1975

Mrs. Pierina Roberto, Clerk
Brookhaven-Comsewogue UFSD
Board of Education
400 Jayne Boulevard
Port Jefferson Station, NY 11776

Dear Mrs. Roberto:

Enclosed is a copy of the letter I have sent to Mrs. Gladys Gentile of your faculty, informing her that I am not recommending her for a tenure appointment. In this letter to her I have also indicated the date of the Board Meeting at which my decision not to appoint her will be reviewed by the Board.

You should inform her of the fact that you have received a copy of my letter to her, and that the meeting is officially set for July 7, 1975 at 8:30 p.m. Also, of course, you should give a copy of my letter to Mrs. Gentile to each member of your Board.

Sincerely,

James Hines

James Hines
District Superintendent

JH/tw
Enclosure
cc: Mr. John Wallen ✓
Miss Helen Ackerly

EXHIBIT K

Exhibit K, Annexed to Wallen Affidavit
Letter from James Hines, Dated June 2,
1975

RECEIVED
JUN 3 1975
BY THE OFFICE OF
THE DISTRICT PRINCIPAL

THE UNIVERSITY OF THE STATE OF NEW YORK
THE STATE EDUCATION DEPARTMENT
SECOND SUPERVISORY DISTRICT OF SUFFOLK COU
201 SUNRISE HIGHWAY
PATCHOGUE, NEW YORK 11772

JAMES [illegible]
DISTRICT S[illegible]NT OF SCHOOLS

TELEPHONE
(516) 289-2200

June 2, 1975

Mrs. Gladys Gentile
102 Jefferson Avenue
Port Jefferson, NY 11777

Dear Mrs. Gentile:

In accordance with the authority granted to me under Section 3013 of the New York State Education Law, and after much study and deliberation, I am officially notifying you that I am not recommending you for a tenure appointment as an elementary teacher in the Brookhaven-Comsewogue Union Free School District. Therefore, your employment in said district will terminate as of August 31, 1975.

For your information I will point out that Section 3031 of the New York State Education Law has established certain procedures whereby a teacher not being recommended for tenure may request in writing that he/she be furnished with a written statement giving the reasons for such recommendation. It also provides an opportunity for the teacher to respond in writing to such reasons. This section in no way, however, modifies the existing law with respect to the termination of services of teachers.

Also in accordance with Section 3031, it is my understanding that the Brookhaven-Comsewogue Board of Education will hold a meeting on July 7, 1975 to review my decision not to appoint you to tenure.

Sincerely,

James Hines

James Hines
District Superintendent

JH/tw

cc: Mr. John Wallen ✓
Mrs. Pierina Roberto
Miss Helen Ackerly

EXHIBIT K

Exhibit L, Annexed to Wallen Affidavit,
Letter from Frederic Block, Dated June
4, 1975

June 4, 1975

Mr. John W. Wallen, District Principal
Comsewogue School District
400 Jayne Boulevard
Port Jefferson Station, New York 11776

Re: Comsewogue v. Gentile Matter

Dear John:

I am taking the liberty of enclosing a copy of the decision of the Supreme Court, Putnam County, rendered January 23, 1974 in the case of Oppert v. Board of Education. I thought that since you, the District Superintendent and the Board of Education will undoubtedly be passing upon certain tenure matters, you ought to have a copy of this decision at your disposal.

The case holds that where the District Superintendent recommends tenure, the 60-day notice provision does not apply should the Board thereafter, in the exercise of its judgment, determine to deny tenure. In other words, the only notice which the teacher is entitled to under §3013(2) is notice from the District Superintendent in the event he fails to recommend the teacher for tenure.

The case also stands for the proposition that the Board of Education, in denying tenure over the Superintendent's recommendation, does not have to provide the teacher with stated reasons under §3031 (the fair dismissal law). As stated in the decision, in order for §3031 to be called into play, the following chronology must take place:

1) The District Superintendent must make a recommendation to the Board of Education that appointment on tenure not be granted to a probationary teacher.

2) The Board of Education must then review this recommendation.

3) This review must take place at least 30 days prior to a meeting scheduled to consider this recommendation.

4) The probationary teacher must receive a notice of the Superintendent's recommendation and the date of the scheduled board meeting at which the recommendation is to be considered.

EXHIBIT L

5) The teacher has the right to request a written statement giving the reasons for the District Superintendent's recommendation. She must do this in writing no later than 21 days prior to the Board of Education meeting.

6) If the teacher makes this request, then the Superintendent's reasons for his negative recommendation must be furnished to her within 7 days thereafter, which would be 14 days prior to the Board's meeting.

7) The teacher has the right to then file a written response with the District Clerk within 7 days prior to the Board meeting.

Therefore, at the Board of Education's meeting, the Board would have available to it:

a) the Districtt Superintendent's negative recommendation;

b) a copy of a written statement by the Superintendent setting forth the reasons for such recommendation; and

c) the teacher's response to such statement.

The Board then is in a position to intelligently consider the negative recommendation under §3031.

Thereafter, the Board's power to act contrary to the Superintendent's determination will be determined by the forthcoming decision by the Court of Appeals in the Anderson case. A copy of the Appellate division decision in Anderson was previously sent to you wherein, you will recall, that the Court split 3/2 on the issue of whether the Board of Education was empowered under §3031 of the Education Law to overrule a negative recommendation by the School Superintendent, the majority holding that the Board had no such power and could only recommend to the Superintendent of Schools that he reconsider his negative recommendation. The minority opinion held to the contrary.

I thought I would send this leeter-memorandum to you at this time, since I consider the current structure of the law, especially the intertwining of §§3013 and 3031 to be of sufficient importance so that both you and the members of the Board of

EXHIBIT L

Education are specifically apprised of the School Attorney's thoughts.

I trust that you will attend to making the requisite copies necessary for distribution of this letter-memorandum to the Board members, and I trust that you will find it of value.

Very truly yours,

FREDERIC BLOCK

FB:tf
Enc.

EXHIBIT L

Exhibit M, Annexed to Wallen Affidavit, Findings and Recommendations of Hearing Panel, Dated September 12, 1975

RECEIVED
OCT 20 1975

September 12, 1975

The Commissioner of Education
The University of the State of New York
The State Education Department
Albany, New York 12210

Re: Panel Findings: In the matter of charges brought against ROBERT J. JOHNSON, Defendent--Tenured Principal, by the COMSEWOGUE SCHOOL DISTRICT, Port Jefferson Station, New York, persuant to the provisions of Section 3020-A of the Education Law.

First charge - substantiated

Second charge - unsubstantiated

Third charge - substantiated

Fourth charge - substantiated

Fifth charge - substantiated

Sixth charge - unsubstantiated

Additional charge - substantiated

Considerations:

Based on the testimony of teachers, principal, and superintendent, there appeared to be no clear District procedure or understanding thereof as to what constituted an observation and/or year end evaluation. Because of what appears to be a loosely defined observation-evaluation system, interpretations by district staff differed.

The Panel contends, however, that a building principal even within an ill-defined system must assume serious consideration for the observation-evaluation of his staff.

Recommendations for disciplinary action:

1. Mr. Johnson should not be in a position to have the responsibility for the administration of a formal system of observation-evaluation of teachers.

EXHIBIT M

2. Because of Mr. Johnson's age and length of service to the District, he should be maintained on staff until at least the minimum retirement age of fifty-five years.

3. The position to which Mr. Johnson be assigned should be commensurate to at least and no less than the minimum of the top of the teachers salary schedule.

Respectfully submitted,

Dr. Pierce F. Hoban
Board Panel Member

Hearing Officer

Jack Zuckerman
Mr. Jack Zuckerman
Employee Panel Member

David Elliot
Dr. David Elliot
Appointed Panel Member

DE:ase

EXHIBIT M

BEST COPY AVAILABLE

Exhibit N, Annexed to Wallen Affidavit,
Decision of Board of Education, Dated
November 20, 1975

BROOKHAVEN-COMSEWOGUE UNION FREE SCHOOL DISTRICT
BOARD OF EDUCATION
PORT JEFFERSON STATION, NEW YORK

---x

In the Matter of

ROBERT J. JOHNSON, : DECISION

Tenured Employee, :

Pursuant to the provisions of §3020-a of the :
Education Law - Teacher Tenure Hearing.

---x

Pursuant to §3020-a of the Education Law, six charges were preferred by the Board of Education of Brookhaven-Comsewogue Union Free School District against Robert J. Johnson, a tenured school district employee, on April 14, 1975, and an additional charge was preferred by the Board on May 12, 1975, all of which were consolidated by stipulation of the respective parties at the commencement of the hearing, held on June 12, June 23 and July 9, 1975, before Lawrence I. Hammer, Hearing Officer, and the three-member hearing panel.

The report of the hearing panel dated September 12, 1975 was received by the Board of Education on October 21, 1975, the panel members unanimously finding that all but the Second and Sixth charges were "substantiated", and recommending, inter alia, that the employee "should not be in a position to have the responsibility for the administration of a formal system of observation-evaluation of teachers."

EXHIBIT N

Each member of the Board of Education having thereafter reviewed the record of the proceedings before the hearing panel, the Board of Education herein renders its decision, first setting forth the following factual basis for its determination:

1) Robert J. Johnson submitted a Teacher Evaluation Form to the Board of Education, purporting to have evaluated a probationary teacher, Gladys Gentile, and to have discussed the evaluation with her on June 12, 1973, as evidenced by their signatures thereon purportedly made on such date, which report was false, the teacher being absent on such date.

2) Robert J. Johnson submitted a Teacher Evaluation Form to the Board of Education, reporting an evaluation by him of the probationary teacher, Gladys Gentile, as to her teaching of Language between the hours of 11:00 and 11:45 a.m. on November 14, 1974, which report was false, the teacher being absent from school on that date.

3) Robert J. Johnson submitted a Teacher Evaluation Form to the Board of Education purporting to have discussed an evaluation of the probationary teacher, Gladys Gentile, with her on May 16, 1973, as evidenced by their signatures thereon purportedly made on such date, which report was false, Robert J. Johnson having been absent from school on that date.

EXHIBIT N

4) Robert J. Johnson submited a Teacher Evaluation Form to the Board of Education purporting to have discussed an evaluation of the probationary teacher, Gladys Gentile, with her on November 16, 1974, as evidenced by their signatures thereon purportedly made on such date, which report was false, November 16, 1974 being a Saturday, a date on which the schools were closed.

5) Robert J. Johnson submitted a Teacher Evaluation Form to the Board of Education, purporting to have evaluated the probationary teacher, Gladys Gentile, as to her teaching of Reading during the morning of November 6, 1973, and to have further discussed this evaluation with the teacher on this date, as evidenced by their signatures thereon purportedly made on such date, which report was false, November 6, 1973 being Election Day, a date on which the schools were closed.

As a result thereof, the Board of Education concurs with the hearing panel's conclusion that the record of the proceedings substantiates the First, Third, Fourth, Fifth and Additional charge, and further concurs in the hearing panel's recommendation that "Mr. Johnson should not be in a position to have the responsibility for the administration of a formal system of observation-evaluation of teachers."

The Board of Education further concludes that Mr. Johnson either knew, or should have known, that the School

EXHIBIT N

District Principal and the Board of Education placed reliance upon the accuracy and truthfulness of the teacher evaluation reports, and that proper observations and evaluations were required by the collective bargaining agreement between the Board of Education and the Port Jefferson Station Teachers Association, in order to determine whether a probationary teacher should be given tenured status.

The Board finds Mr. Johnson's contention that the reports simply reflected "clerical errors" to be specious, especially in view of the frequency by which these alleged errors occurred. In any event, even should the Board believe this contention, the large number of such "errors" by a building principal would only heighten concern as to his competency.

The Board of Education has carefully reviewed the record of the proceedings, upon which its decision herein is solely based, and is unanimously constrained to conclude on this record that Robert J. Johnson is not competent to continue as a Principal of the School District. His immediate dismissal from his position, therefore, is required. However, being mindful of the many years of service which Mr. Johnson has rendered to the School District, the Board of Education has

EXHIBIT N

resolved to offer him a probationary appointment as Administrative Aide to the District Principal at an annual salary of $25,000.00 for a 10-1/2 month employment year, effective as of November 24, 1975, provided it is accepted by such date.

Dated: Port Jefferson Station, New York
November 20, 1975

By Order of the Board of
Education of Brookhaven-
Comsewogue Union Free
School District

EXHIBIT N

Exhibit O, Annexed to Wallen Affidavit,
Minutes of Board of Education Public
Session, Dated July 21, 1975

BOARD OF EDUCATION
COMSEWOGUE SCHOOL DISTRICT
Port Jefferson Station, N. Y.

REGULAR MEETING   OFFICIAL MINUTES   July 21, 1975

Present: Trustee D'Addario, Weinerman, Flescher, Howard, Allen, Dreyer, District Principal, John W. Wallen, Assistant District Principal for Instruction, D. McKibbin, District Treasurer, Tom Hubbard, District Clerk, Pierina Roberto and School Attorney, F. Block.

Absent: Trustee Sapienza and Assistant District Principal for Business, R. Noska.

The meeting was called to order at 8:45 P.M. by the President of the Board of Education, Frank D'Addario. The meeting was opened with the recitation of the Pledge of Allegiance.

A moment of silence was observed by the Board of Education and the Taxpayers present at the meeting for two students of the district, Clair Farmer and Ralph Combattante who passed away during the week.

Approval of Minutes

Motion by Howard, seconded by Flescher, to approve the minutes of the Regular Meeting of June 16, 1975, as corrected.

Motion carried unanimously.

Motion by Howard, seconded by Weinerman, to approve the minutes of the Annual Meeting of June 17, 1975.

Motion carried unanimously.

Motion by Weinerman, seconded by Howard, to approve the minutes of the Special Meeting of June 18, 1975.

Motion carried unanimously.

Motion by Allen, seconded by Howard, to approve the minutes of the Organizational Meeting of July 8, 1975, as corrected.

Motion carried unanimously.

Motion by Howard, seconded by Weinerman, to approve the minutes of the Special Meeting of July 8, 1975.

Motion carried unanimously.

BEST COPY AVAILABLE

Correspondence

Board Correspondence - Four letters were read by the District Clerk from taxpayers on the Gentile matter.

Schedule of Bills

Motion by Howard, seconded by Dreyer, to approve the following Schedule of Bills:

G-2-7/21/75 - Check Nos. 2743-2751 - $144,251.27
F-1 - 7/21/75 - Check Nos. 205 to 207 - $1,058.80
Title II-1 - 7/21/75 - Check Nos. 146 to 152 - $1,682.55
T&A-1 - 7/21/75 - Check Nos.1122 to 1125 - $49,998.60

Motion carried unanimously.

Treasurer's Report

Motion by Flescher, seconded by Howard, to approve the Treasurer's Report as submitted.

Motion carried unanimously

EXHIBIT O

Trustee Sapienza - In a telephone conversation with Mr. Sapienza during the course of the meeting, he informed us that after careful review of all documents in this matter, he accepted Mr. Hines' decision not to grant tenure.

Trustee Weinerman stated for the record: "This Board of Education has acted properly and did what they were required to do. We are not here, repeat not here, to take abuse. We are doing what we are supposed to be doing."

Motion by Howard, seconded by Weinerman, to establish a non-resident student tuition for the 1975/76 school year as follows:

Non-resident
Student
Tuition

$500 per year - Kindergarten (Half day)
$1000 per year - Grades 1 - 6
$1400 per year - Grades 7 - 12

The above tuition does not make provision for transportation.

Motion carried unanimously.

Motion by Weinerman, seconded by Flescher, to authorize the President to sign the National School Lunch Program and Special Milk Program applications.

National School
Lunch Program an
Special Milk Pro

Motion carried unanimously.

Review of Gentile Correspondence

Mr. Block, School Attorney, explained to the Board of Education and the Taxpayers the purpose of this meeting. At this meeting the decision made by Mr. Hines not to grant tenur to Mrs. Gentile would be reviewed. He explained what the Board must consider before it make a determination to accept or reject the decision made by Mr. Hines. At 9:15 the meeting was opened to the public to hear any comments they may have in this matter. Many letters were read and petitions turned in to the Board of Education in Mrs. Gentile's favor. The public meeting was closed at 9:35 P.M.

At 9:40 P.M. the Board adjourned for Executive Session. Executive Session terminated at 10:05 P.M. and the Regular Meeting continued.

Upon advise from legal consel and after careful review of Mr. Hines' letter of June 11, 1975, and Mrs. Gentile's reply of June 26, 1975, and all other correspondence received in this matter, the Comsewogue Board of Education decided to accept Mr. James Hines' decision not to grant tenure to Mrs. Gentile.

Trustee Weinerman - After careful review of all documents received, I cast an affirmative vote.

Trustee Flescher - I have reviewed the letter from Mr. Hines and all correspondence received and accept his dicision.

Trustee Howard - I have carefully reviewed all documents presented to me and I accept Mr. Hines' decision.

Trustee Dreyer - I have reviewed all correspondence received and I cast an affirmative vote.

Trustee Allen - After careful review of the material presented, I must cast an affirmative vote.

Trustee D'Addario - Upon reviewing all material presented, I cast anu affirmative vote.

Exhibit P, Annexed to Wallen Affidavit,
Grievance Filed by Port Jefferson Station Teachers Association

TO: District Principal U. F S. D. # 3

FROM: Port Jefferson Station Teachers Association

DATE:

RE: Grievance # 38

AGGRIEVED PARTY: Port Jefferson Station Teachers Association

[illegible]

Article II-Negotiations Procddure Section A
Article IV-Tenure - Sections A & B
Article VIII-Teacher Evaluation --Section A,B(2,), D, F
Article XX-Miscellaneous Provisions- Section A, B, D, G
Article XXVII-Grievance -All Sections and paragraphs

and others-

GENERAL STATEMENT:

That Mr. Wallen did refuse to submit Mrs. Gladys Gentile's name to the Board of Education so that they may grant her tenure.

That Mr. Wallen did violate the contractual agreement between the Association and the Board of Education by not notifying Mrs. Gentile in writing ninety(90) days in advance of June 30th, as perscribed in the contract- Article IV-Tenure pp 3.

That Mr. Wallen did violate Article VII-Teacher Evaluation Section F-
by reprimanding Mrs. Gentile "without just cause"
by reducing her in rank "without just cause"
by disciplining her "without just cause"
by depriving her of professional advantage "without just cause"

That Mr. Johnson did niolate the contract in that he did not follo section D of Article VIII

The Association will expect the Board of Education to forward a letter of tenure to Mrs. Gladys Gentile, by April 18, 1975.

That the Board of Education will direct Mr. Wallen to resind his letter to Mrs Gentile of April 1, 1975(dated).

That Mr. Wallen be directed to cease and desist any future harassment of Mrs. Gentile.

That the Board of Education direct Mr. Wallen to applogize to Mrs. Gentile for the mental anguish he has caused.

EXHIBIT P

ORIGINAL TO – MR. WALLEN [illegible]

Exhibit Q, Annexed to Wallen Affidavit,
Demand for Arbitration Dated April 25,
1975

American Arbitration Association

VOLUNTARY LABOR ARBITRATION RULES

DEMAND FOR ARBITRATION

DATE: 4/25/75

TO: (Name) Board of Education , Comsewogue Union Free School District #3
(of party upon whom the Demand is made)

(Address) Administration Building , 100 Jayne Blvd.

(City and State) Port Jefferson Station, New York 11776

The undersigned, a party to an arbitration agreement contained in a written contract,

dated July 1st, 1973, providing for arbitration,

hereby demands arbitration thereunder.; and further, notifies you that in accordance with CPLR 7503 the time within whic an application to stay arbitration must be made is within twenty (20) days after receipt of this demand.

(attach arbitration clause or quote hereunder)

See attached Article XXVIII

NATURE OF DISPUTE:

See attached grievance statement

REMEDY SOUGHT:

See attached grievance statement

In addition:

That all monies and benefits lost by Mrs. Gentile as a result of the District's action be restored plus interest.

You are hereby notified that copies of our arbitration agreement and of this demand are being filed with the American Arbitration Association at its New York City Regional Office, with the request that it commence the administration of the arbitration.

Representing the Port Jefferson Station Teachers Association

Signed

Title Field Representative

Address NYSUT Rm. 107 350 Vanderbilt Motor Pkwy.

City and State Hauppauge, New York

Telephone (516) 273 - 8822

To institute proceedings, please send three copies of this Demand with the administrative fee, as provided in Section 43 of the Rules.

EXHIBIT Q

EXHIBIT R, ANNEXED TO WALLEN AFFIDAVIT,
DECISION AND JUDGMENT OF JUSTICE GORDON
M. LIPETZ, DATED AUGUST 29, 1975 AND
OCTOBER 1, 1975 RESPECTIVELY, GRANTING
THE APPLICATION OF THE SCHOOL DISTRICT

MOTION DATE: 6/10/75
MOTION NO.: 5149

MEMORANDUM

SUPREME COURT, SUFFOLK COUNTY
SPECIAL TERM
PART I

In the Matter of the Application
of BROCKHAVEN-COMSEWOGUE SCHOOL
DISTRICT, Petitioner
VS.
PORT JEFFERSON STATION TEACHERS
ASSOCIATION, Respondent
for a stay of Arbitration pursuant
to Article 75 of the Civil Practice Law and Rules of the State
of New York

BY LIPETZ, J. S. C.

DATED August 29, 1975

INDEX NO. 75-7027

FREDERIC BLOCK, ESQ.
Attorney for Petitioner
1919 Middle Country Road
Centereach, N.Y. 11720

JAMES R. SANDNER, ESQ.
Attorney for Respondent
260 Park Avenue South
New York, N.Y. 10010

This is a proceeding pursuant to Article 75 CPLR to stay arbitration under a collective bargaining agreement between the Board of Education of Union Free School District No. 3 (known as Brookhaven-Comsewogue School District) and Port Jefferson Station Teachers Association.

The background facts of the controversy are as follows: By letter dated April 1, 1975, John W. Wallen, the District Principal of the School District, advised Gladys Gentile, one of the teachers, that he would not recommend her for tenure at the conclusion of her probationary period. By letter dated April 7, 1975, the teacher wrote the District Principal requesting "the reason(s) for your refusal to recommend me for tenure". The District Principal responded by letter dated April 10, 1975, in which he sets forth a number of instances in which she had falsely certified that her teaching had been observed by her building principal on specified dates, when in fact such observations had not been made because either she or the building principal had reported ill on those dates and were not in the building, and one of the dates was actually a Saturday, when school was not in session.

The president of the teachers association wrote the Board of Education on April 14, 1975 demanding a hearing on April 21, 1975 pursuant to level two of the grievance procedure provided by the collective bargaining agreement and threatening arbitration proceedings to prevent "a tragic public outrage". Through its attorney, the Board replied that it would not participate in the grievance procedure "since the tenure rights of probationary personnel are specifically delineated in the Education Law of the State of New York, namely Sections 3012 and 3013, and cannot be superseded by any alleged provisions of a collective bargaining agreement". Upon receiving the respondent's formal demand for arbitration, petitioner instituted this proceeding.

EXHIBIT B

MEMORANDUM

REME COURT, SUFFOLK COUNTY SPECIAL TERM
PART I

n the Matter of the Application
f BROOKHAVEN-COMSEWOGUE SCHOOL
ISTRICT,
Petitioner
VS.
ORT JEFFERSON STATION TEACHERS
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Respondent
or a stay of Arbitration,etc.

BY LIPETZ, J. S. C.

DATED August 20, 1975

In its grievance statement annexed to the demand, the respondent harges, generally, violations of the Negotiations, Tenure, Teacher valuation and Miscellaneous provisions of the agreement. Specifically, t charges that "Mr. Wallen (the District Principal) had violated the greement between the parties by not notifying Mrs. Gentile (the teacher) n writing ninety (90) days in advance of June 30th, as proscribed in the ontract". The redress sought is that the Board of Education grant the eacher tenure and direct the District Principal to rescind his letter o her dated April 1, 1975, cease future harassment of her and apologize.

The pertinent provisions of the collective bargaining agreement re as follows:

"Article IV. Tenure.

> A. The probationary period for all non-tenured teachers shall be in accordance with Section 3013 of the N.Y. State Education Law.
>
> B. In cases where non-tenure employees services are not required beyond June 30th of a particular year, they will be notified, in writing, no later than ninety (90) days in advance of that date. Failure to render such notification shall result in the granting of tenure by default. Every effort will be made by the District Principal to give greater notification when possible."

Article XX, entitled Miscellaneous Provisions, provides:

> "D. If any provision of this Agreement or any application of the Agreement to any teacher or group of teachers shall be found contrary to law, then such provision or application shall not be deemed valid and subsisting except to the extent permitted by law, but all other provisions or applications shall continue in full force and effect."

Article XXVIII, relating to grievances and providing for arbitration thereof, states in paragraph B(3)(c):

> "The Arbitrator will be without power or authority to make any decisions which requires the commission of an act prohibited by law ..."

EXHIBIT R

MEMORANDUM

PREME COURT, SUFFOLK COUNTY

n the Matter of the Application
f BROOKHAVEN-COMSEWOGUE SCHOOL
ISTRICT,
Petitioner
VS.
ORT JEFFERSON STATION TEACHERS
SSOCIATION, Respondent
or a stay of Arbitration, etc.

SPECIAL TERM
PART I
BY LIPETZ, J. S. C.

DATED August 29, 1975

-3-

In essence, the respondent seeks to review by arbitration the easons for the District Principal's refusal to recommend tenure for the eacher and a determination by the arbitrator enforcing the "tenure by efault" provision of Article IV of the collective bargaining agreement, laiming that the District Principal's letter dated April 1, 1975 failed to ive her 90 days notice prior to June 30, 1975.

Petitioner contends that nothing in the Teacher Evaluation Article f the agreement gives a teacher the right to falsify observation reports, nd therefore the reasons given by the District Principal for not recommendin he teacher for tenure have no bearing upon her rights under the agreement nd are not arbitrable. It also contends that since section 3013, subd. 2, f the Education Law gives the Board of Education the sole right to grant enure to persons recommended by the district superintendent of schools, the rbitrator is prohibited by statute from directing the Board of Education o do so.

"It has long been this State's policy that, where parties enter nto an agreement and, in one of its provisions, promise that any dispute rising out of or in connection with it shall be settled by arbitration, ny controversy which arises between them and is within the compass of the rovision must go to arbitration". (*Matter of Evercycle Corp. v. Maratta*, N.Y. 2d 329, 334, 214 N.Y.S. 2d 353, 355). However, there are well ecognized exceptions to this policy and rule. Thus, courts will enjoin rbitration where the performance which is the subject of the demand for rbitration is prohibited by statute (*Matter of Evercycle Corp. v. Maratta*, upra; *Matter of Kramer & Uchitelle, Inc.*, 288 N.Y. 467; *Board of Ed., reat Neck U.F. School District v. Areman*, 80 Misc. 2d 659, 363 N.Y.S. 2d 37) or where the issue concerns matters affecting important public interest

EXHIBIT R

MEMORANDUM

SUPREME COURT, SUFFOLK COUNTY
SPECIAL TERM
PART I

In The Matter of the Application
of BROOKHAVEN-CONSEWOGUE SCHOOL
DISTRICT, Petitioner

vs

PORT JEFFERSON STATION TEACHERS
ASSOCIATION, Respondent

for a stay of Arbitration, etc.

BY LIPETZ, J. S. C.

DATED August 29, 1975

and state policies (Maye v. Bluestein, 45 A.D. 2d 654, 360 N.Y.S. 2d 676; Matter of Aimcee Wholesale Corp., 21 N.Y. 2d 621, 289 N.Y.S. 2d 968). Whether such exceptions are here presented is for the court to determine, rather than the arbitrator. Matter of Aimcee Wholesale Corp., supra; Durst v. Anrash, 22 A.D. 2d 39, 253 N.Y.S. 2d 351, aff'd 17 N.Y. 2d 445, 266 N.Y.S. 2d 806.

The exclusive power to grant tenure to teachers has been vested by Section 3013, subd. 2, of the Education Law in boards of education. Three parties are involved in the tenure process -- the district principal, the district superintendent and the board of education. The district principal's function is limited to furnishing "lists and reports" to the district superintendent, who then reports his recommendations to the board of education, presumably after considering the report of the district principal. If the district superintendent recommends tenure, the board of education may then, by majority vote, grant tenure to the person so recommended. However, if the district superintendent does not recommend tenure, his determination is final, the only requirement being that he so notify the rejected teacher

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"not later than sixty days immediately preceding the expiration of his probationary period".

While a board of education may deny tenure to a probationary teacher despite a favorable recommendation by the district superintendent, it may not grant tenure in the absence of a positive recommendation. *McMasters v. Owens*, 275 App. Div. 506, 508, 90 N.Y.S. 2d 491, 494; *Matter of Gunthorpe v. Board of Educ., Town of Babylon*, 41 Misc. 2d 757, 758, 246 N.Y.S. 2d 462, 464; *Matter of High v. Board of Educ., Town of Hempstead*, 169 Misc. 98, 100, 6 N.Y.S. 2d 928, 930, aff'd 256 App. Div. 1074, 11 N.Y.S. 2d 609, aff'd 281 N.Y. 815; *Matter of Meehan*, 11 Ed. Dept. Rep. 34. The ultimate right to grant tenure clearly rests with the board.

Section 3031 of the Education Law, which became effective July 1972, provides that boards of education "shall review all recommendations

EXHIBIT R

MEMORANDUM

SUPREME COURT, SUFFOLK COUNTY — SPECIAL TERM PART I

In the Matter of the Application
of BROOKHAVEN-CONSEWOGUE SCHOOL
DISTRICT,
Petitioner

PORT JEFFERSON STATION TEACHERS
ASSOCIATION, Respondent,

for a stay of Arbitration, etc.

BY LIPETZ, J. S. C.

DATED August 29, 1975

not to appoint a person on tenure" and requires that a teacher as to whom a negative recommendation has been made, upon request in writing, shall be furnished a written statement "giving the reasons for such recommendation". However, no change in the substantive law was effected thereby.

The Legislature, in enacting section 3031, specifically reaffirmed its adherence to the State's public policy and statutory provision that the right to grant tenure rests exclusively with the board of education by providing in the last sentence thereof:

> "This section shall not be construed as modifying existing law with respect to the rights of probationary teachers or the powers and duties of board of education ... with respect to the discontinuance of services of teachers or appointment on tenure of teachers".

The Appellate Division, Second Department, in Anderson v. Board of Ed., City of Yonkers, 46 A.D. 2d 360, 362 N.Y.S. 2d 536, construed section 3031 as merely effecting a procedural change to require specification of the reasons for an unfavorable recommendation and a review thereof by the board of education. It held that the board's authority was limited to remanding individual cases to the district superintendent for reconsideration and stated:

> "Accordingly, we believe the statute should not be interpreted as empowering appellant Board of Education to override its Superintendent's negative recommendation, since this would alter the board's 'powers and duties *** with respect to the *** appointment of teachers on tenure', a result which the statute specifically disclaims."

Thus, section 3031 reinforces section 3013 in preserving to the board of education the sole right to grant tenure. The significance which the courts attach to strict adherence to the statutory mandate was expressed by Justice McGivern in Legislative Conference v. Board of Higher Education, 38 A.D. 2d 478, 330 N.Y.S. 2d 688, aff'd 31 N.Y. 2d 926, as follows:

> "The statutes give the various boards of education ... the exclusive power to make the initial appointments and to determine whether an appointee is qualified academically so as to permit an appointee to continue long enough to obtain tenure. The public policy behind the statutes ...

EXHIBIT R

MEMORANDUM

SUPREME COURT, SUFFOLK COUNTY SPECIAL TERM PART 1

In the Matter of the Application
of BROOKHAVEN-CONSEWOGUE SCHOOL
DISTRICT, Petitioner

vs

PORT JEFFERSON STATION TEACHERS
ASSOCIATION,? Respondent

for a stay of Arbitration, etc.

BY LIPETZ, J. S. C.

DATED August 29, 1975

is one which recognizes the overriding importance of such appointments in the maintenance of excellence in the public school systems.

* * *

That tenure should not be conferred by a "back-door" maneuver is obvious because of the intrinsic value the courts attach to tenure. "The purpose of the tenure law is 'to give security to competent members of the educational system in the position to which they have been appointed' (Matter of Monan v. Board of Educ., 280 App. Div. 14, 18, 111 N.Y.S. 2d 797, 800; Donahoo v. Board of Educ., 413 Ill. 422, 427, 109 N.E. 2d 787). The statutory tenure terms can be changed by the Legislature but never by a board of education (Lapolla v. Board of Educ., 172 Misc. 364, 15 N.Y.S. 2d 149, aff'd 258 App. Div. 781, 15 N.Y.S. 2d 721, aff'd 282 N.Y. 674, 26 N.E. 2d 807; Matter of O'Connor v. Emerson, 196 App. Div. 807, 188 N.Y.S. 236)." Matter of Boyd v. Collins, 11 N.Y. 2d 228, 233, 228 N.Y.S. 2d 228, 232, 182 N.E. 2d 610, 613."

If a board of education cannot change statutory tenure terms, perforce it cannot alter the statutory requirements by a collective bargaining agreement under the Taylor Law, despite the absence of any express prohibition in the tenure statutes. Respondent's contention that an express statutory prohibition against collective bargaining with respect to tenure is required by Board of Education, UFSD No. 3, Town of Huntington v. Associated Teachers of Huntington, 30 N.Y. 2d 122, 331 N.Y.S. 2d 17 must be rejected. In Union Free School District v. New York State Human Rights Appeals Board, 35 N.Y. 2d 371, 362 N.Y.S. 2d 139, the Court of Appeals has held that its language in the Huntington case, supra, should be construed "to mean that collective bargaining under the Taylor Law *** has broad scope with respect to the terms and conditions of employment, limited by plain and clear, rather than express, prohibitions in the statute or decisional law". (Emphasis supplied). The "plain and clear" statutory and decisional law is tantamount to an express statutory prohibition against collective bargaining as to tenure and precludes a board of education from delegating by contract its obligations under the tenure statutes.

Article IV (B) of the collective bargaining agreement, which provides for "tenure by default" upon a failure to notify a non-tenure teacher

EXHIBIT R

PREME COURT, SUFFOLK COUNTY SPECIAL TERM
PART 1

In the Matter of the Application
of BROOKHAVEN-CONSEWOGUE SCHOOL
DISTRICT,
Petitioner
VS.
PORT JEFFERSON STATION TEACHERS
ASSOCIATION, Respondent,
for a stay of Arbitration, etc.

BY LIPETZ, J. S. C.

DATED August 28, 1975

in writing 90 days prior to June 30th, is therefore void. Not only does it clash with the statutory requirement of 60 days notice, but it presupposes that a District Principal, whose function is limited to furnishing "lists and reports" to the District Superintendent, may notify a teacher of a non-recommendation for tenure -- the mandated duty of the District Superintendent. (Education Law, §3013, subd. 2). Additionally, the granting of tenure by a "back door" maneuver, a procedural failure bearing no relation to a substantive standard of excellence, violates the State's public policy that the sole criteria for tenure should be merit and fitness. (Legislative Conference v. Board of Higher Education, 38 A.D. 2d 478, 330 N.Y.S. 2d 688, aff'd 31 N.Y. 2d 926, supra; Board of Education v. Chautauqua Teachers Ass'n., 41 A.D. 2d 47, 341 N.Y.S. 2d 690). An arbitrator, therefore, has no power to determine the tenure rights of the teacher or to direct the board of education to grant tenure to her.

This case is distinguishable from those involving purported invalidity of tenure clauses in Taylor Law contracts where the redress sought is not the conferment of tenure but the re-evaluation of a teacher's abilities by reason of a failure to properly observe and evaluate her performance, (Legislative Conference v. Board of Higher Education, supra; Board of Education v. Chautauqua Teachers Ass'n., supra) and from the case where the failure to comply with a notice of dismissal provision required in an agreement was not intended to result in the conferment of tenure (Associated Teachers of Huntington v. Board of Education, 60 Misc. 2d 443, 303 N.Y.S. 2d 469) -- dismissal of probationary teacher during his first year of employment. Violations of procedures under collective bargaining agreements were held to be arbitrable, but the granting of tenure by an arbitrator under provisions which were contrary to the tenure statutes was not involved.

EXHIBIT R

MEMORANDUM

SUPREME COURT, SUFFOLK COUNTY

SPECIAL TERM
PART I

In the Matter of the Application
of BROOKHAVEN-CONSEWOGUE SCHOOL
DISTRICT,
Petitioner
VS.
PORT JEFFERSON STATION TEACHERS
ASSOCIATION,
Respondent
for a stay of Arbitration, etc.

BY LIPETZ, J. S. C.

DATED August 29, 1975

Here the District Principal notified the teacher that he would not recommend her for tenure, not because she had improperly performed her teaching duties, but because she had participated in falsifying her observation reports and making a mockery of the observation procedure. He gave her oral notice of his decision on March 24, 1975 and notice in writing dated April 1, 1975, which was 90 days prior to June 30th, as required by Article IV (B) of the collective bargaining agreement. But even if the notice in writing were one day short of the requirement, as respondent apparently claims, tenure by default could nevertheless not be granted by an arbitrator since Article IV (B) is invalid and of no effect.

Judgment is granted in favor of petitioner staying the respondent from proceeding with arbitration.

GORDON M. LIPETZ

J.S.C.

EXHIBIT R

At a Special Term, Part I of
the Supreme Court, of the State
of New York, held in and for the
County of Suffolk, at the County
Court House, Riverhead, New York
on the 24 day of September, 1975.

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF SUFFOLK

In the Matter of the Application of
BROOKHAVEN-COMSEWOGUE SCHOOL DISTRICT,

Petitioner,

- against -

PORT JEFFERSON STATION TEACHERS
ASSOCIATION,

Respondent.

For a Stay of Arbitration pursuant to
Article 75 of the Civil Practice Law
and Rules of the State of New York.

JUDGMENT
Entered

Index No. 75-7027

OCT 1 1975
@ 1:42PM

The petitioner, having brought on a proceeding for a stay of arbitration pursuant to Article 75 of the Civil Practice Law and Rules by Order to Show Cause dated May 8, 1975, and the matter having come on to be heard before the Court at Special Term, Part I, on June 10, 1975, at which time the petitioner appeared by its attorney, FREDERIC BLOCK, ESQ., and the respondent appeared by its attorney, JAMES R. SANDNER, ESQ., and the Court having given due consideration to the arguments of counsel and the Demand for Arbitration, dated April 25, 1975, the

Petition, verified May 8, 1975, the Answer, verified June 6, 1975, and all Exhibits, Affidavits and other documents submitted by the parties, and having thereafter rendered its decision in writing dated August 29, 1975,

NOW, on motion of FREDERIC BLOCK, attorney for the petitioner, it is

ORDERED, ADJUDGED and DECREED that the respondent be and hereby is permanently enjoined and stayed from proceeding with the subject arbitration pursuant to its Demand for Arbitration dated April 25, 1975.

ENTER,

GRANTED
SEP 24 1975
[illegible]
By Clerk

GORDON M. LIPETZ
J.S.C.

Lester M. Albertson
Clerk

FILED
OCT 1 1975
@ M.
LESTER M. ALBERTSON
Clerk of Suffolk County

EXHIBIT R

STATE OF NEW YORK, COUNTY OF SU[illegible]OLK ss.:

The undersigned, an attorney admitted to practice in the courts of New York State,

Check Applicable Box

☒ **Certification By Attorney** certifies that the within Judgment with Notice of Entry has been compared by the undersigned with the original and found to be a true and complete copy.

☐ **Attorney's Affirmation** shows: deponent is the attorney(s) of record for in the within action; deponent has read the foregoing and knows the contents thereof; the same is true to deponent's own knowledge, except as to the matters therein stated to be alleged on information and belief, and that as to those matters deponent believes it to be true. This verification is made by deponent and not by

The grounds of deponent's belief as to all matters not stated upon deponent's knowledge are as follows:

The undersigned affirms that the foregoing statements are true, under the penalties of perjury.

Dated: October 6, 1975

The name signed must be printed beneath

FREDERIC BLOCK

STATE OF NEW YORK, COUNTY OF ss.:

being duly sworn, deposes and says: deponent is

Check Applicable Box

☐ **Individual Verification** the in the within action; deponent has read the foregoing and knows the contents thereof; the same is true to deponent's own knowledge, except as to the matters therein stated to be alleged on information and belief, and as to those matters deponent believes it to be true.

☐ **Corporate Verification** the of a corporation, in the within action; deponent has read the foregoing and knows the contents thereof; and the same is true to deponent's own knowledge, except as to the matters therein stated to be alleged upon information and belief, and as to those matters deponent believes it to be true. This verification is made by deponent because is a corporation and deponent is an officer thereof.

The grounds of deponent's belief as to all matters not stated upon deponent's knowledge are as follows:

Sworn to before me on 19

The name signed must be printed beneath

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STATE OF NEW YORK, COUNTY OF SUFFOLK ss.:

Barbara O'Connor being duly sworn, deposes and says: deponent is not a party to the action, is over 18 years of age and resides at 7 Redwood Ct., Selden, N.Y.

Check Applicable Box

☒ **Affidavit of Service By Mail** On October 6 19 75 deponent served the within Judgment w/Notice of Entry upon JAMES R. SANDNER, ESQ. attorney(s) for Resp. in this action, at 260 Park Ave.So., New York, N.Y. 10010 the address designated by said attorney(s) for that purpose by depositing a true copy of same enclosed in a post-paid properly addressed wrapper, in — a post office — official depository under the exclusive care and custody of the United States Postal Service within the State of New York.

☐ **Affidavit of Personal Service** On 19 at deponent served the within upon the herein, by delivering a true copy thereof to h personally. Deponent knew the person so served to be the person mentioned and described in said papers as the therein.

S[illegible] to before me on October 6 19 75

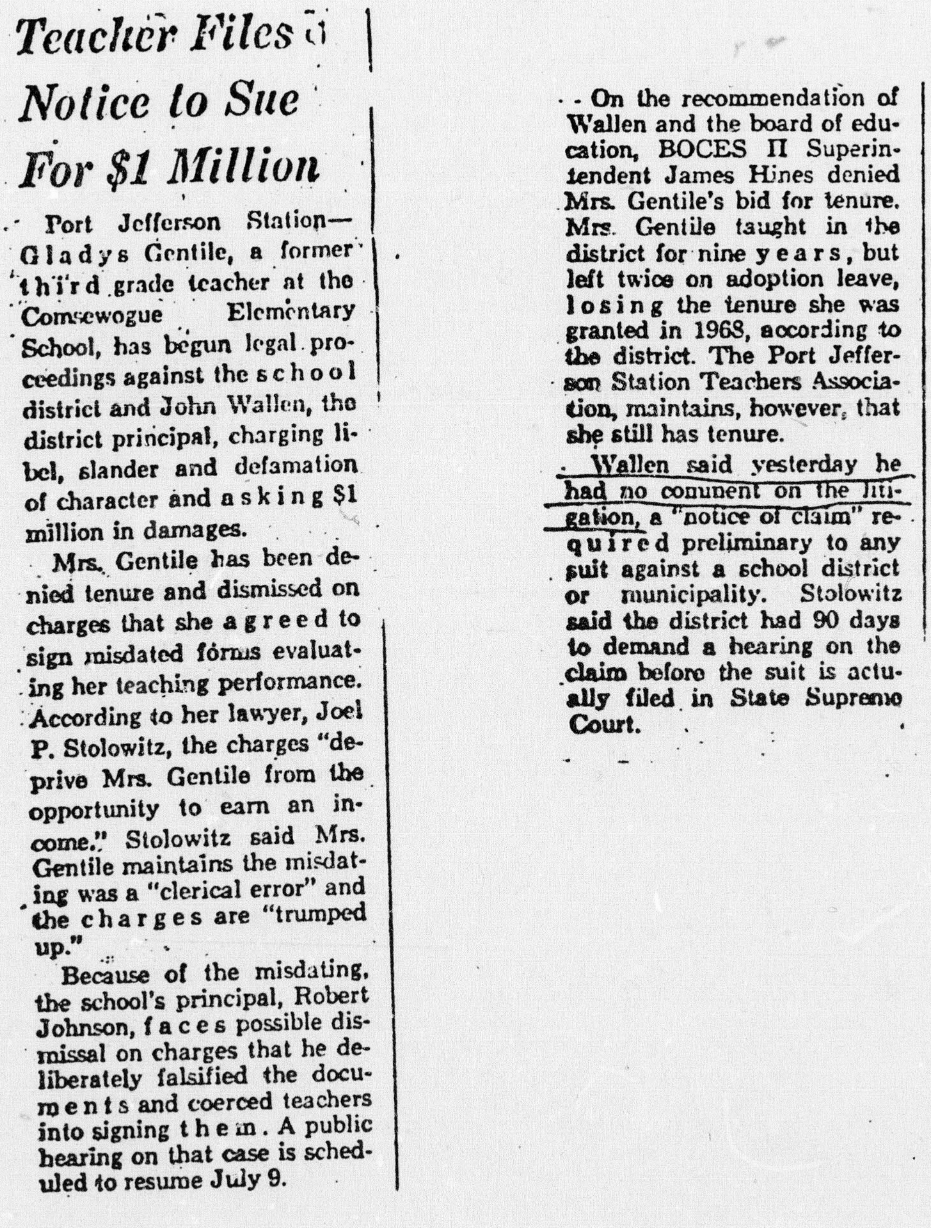
Barbara O'Connor

The name signed must be printed beneath

Barbara O'Connor

EXHIBIT R

Exhibit S, Annexed to Wallen Affidavit,
Newspaper Clippings Referring to Gladys
Gentile



Teacher Files Notice to Sue For $1 Million

Port Jefferson Station—Gladys Gentile, a former third grade teacher at the Comsewogue Elementary School, has begun legal proceedings against the school district and John Wallen, the district principal, charging libel, slander and defamation of character and asking $1 million in damages.

Mrs. Gentile has been denied tenure and dismissed on charges that she agreed to sign misdated forms evaluating her teaching performance. According to her lawyer, Joel P. Stolowitz, the charges "deprive Mrs. Gentile from the opportunity to earn an income." Stolowitz said Mrs. Gentile maintains the misdating was a "clerical error" and the charges are "trumped up."

Because of the misdating, the school's principal, Robert Johnson, faces possible dismissal on charges that he deliberately falsified the documents and coerced teachers into signing them. A public hearing on that case is scheduled to resume July 9.

On the recommendation of Wallen and the board of education, BOCES II Superintendent James Hines denied Mrs. Gentile's bid for tenure. Mrs. Gentile taught in the district for nine years, but left twice on adoption leave, losing the tenure she was granted in 1968, according to the district. The Port Jefferson Station Teachers Association, maintains, however, that she still has tenure.

Wallen said yesterday he had no comment on the litigation, a "notice of claim" required preliminary to any suit against a school district or municipality. Stolowitz said the district had 90 days to demand a hearing on the claim before the suit is actually filed in State Supreme Court.

July 3, 1975

Parents of
Comsewogue School District

Was your son or daughter
taught by **MRS. GLADYS GENTILE?**

All children in the future will
be denied this privilege because
Mrs. Gentile is being unjustly
denied the right to teach.

If you want to know how you can help
Mrs. Gentile, call our committee at:

473-8652	**473-4089**
473-1290	**928-2415**

and, go to the
Board of Education meeting
8:00 P.M., Monday, July 21, 1975

**Ad Hoc Committee
to save Gladys Gentile**

EXHIBIT S

July 3, 1975

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Comsewogue Faces $1M Su

By ANDY ZIPSER

A notice of claim for "libel, slander and defamation of character" for the sum of $1-million was filed with the Comsewogue school district and with district principal John Wallen on Monday and Tuesday of this week. The notice was filed by Gladys Gentile, a resident of Port Jefferson and a former third-grade teacher in the Comsewogue school district.

The notice of claim, which must be filed within 90 days after the date of the act for which redress is sought, is a statement of "probable" intent to institute a lawsuit, according to Joel Stolowitz of Lotto, Stolowitz and Farr, the legal firm representing Gentile.

"Prior to the institution of a lawsuit, when you're dealing with a municipality or any governmental body such as a school district, you must file a notice of claim," Stolowitz explained. "You cannot file a lawsuit prior to filing such a notice—what has been done is the taking of a preliminary step."

Both the district and Gentile now have 90 days as a deadline: the district in which to seek a deposition from Gentile, in which she would be asked to provide more complete particulars of any suit which might be brought; Gentile before she can actually institute the second step of filing the lawsuit itself. Gentile has up to a year after the 90 days have expired in which to file the suit.

"It is her contention that the district and the district principal have defamed her character, thereby refusing her tenure and causing her to become unemployed after 13 years of service, on and off, to the district," Stolowitz said in explaining why the notice of claim was filed.

"Where does the $1-million come from?" he continued. "First of all, she is entitled to it for the damage she has suffered to her reputation. Secondly, for her loss of income now and in the future. And for mental and physical anguish such that she's had to seek the services of a physician. Her whole life-style has been changed by this one incident."

Ambivalence, Anxiety

Gentile, denied tenure for allegedly cooperating in the falsification of dates on three of her teacher evaluation forms, expressed great anxiety and ambivalence over her action when contacted by The RECORD. "Personally, this is the most reprehensible thing I could do, but professionally I had no choice. With what they've entered on my record as a result of this, I could never get a job anywhere else.

"I hope the community understands this, that I did what has to be done in order to protect myself," she added. "If I hadn't reserved my right to file a lawsuit within 90 days, I would have lost it forever. I asked 'are you sure I can withdraw from this at any time,' and they (Gentile's legal firm) said 'yes, you can.' " A pause, and then, faintly, "I do hope they (the public) understand."

Gentile's case first arose as the result of accusations by Wallen against Robert Johnson, principal of Comsewogue Elementary School, over alleged misdating of teacher evaluation forms. Three of those forms were for Gentile, and had been signed by her to confirm the observations ha been made. Wallen claims th misdating proves the observ tions were never made; Johns admits the dates are wrong, b claims the wrong dates a simply a matter of error and th the observations had in fact take place as otherwise recorded.

A second hearing in Johnson case will be held July 9 at 10 a.m at Comsewogue Senior Hi School. The meeting is open the public, and any interest community residents may a tend. Gentile, as a non-tenur employee, was not entitled to hearing—and, as of this pa Tuesday, was in fact no long employed by the district. Co munity residents, however, ga announced they will petition h case before the board at its ne meeting, scheduled for July 2

EXHIBIT 5

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354

July 10, 1975

Tenure Is No Stranger for Gentile

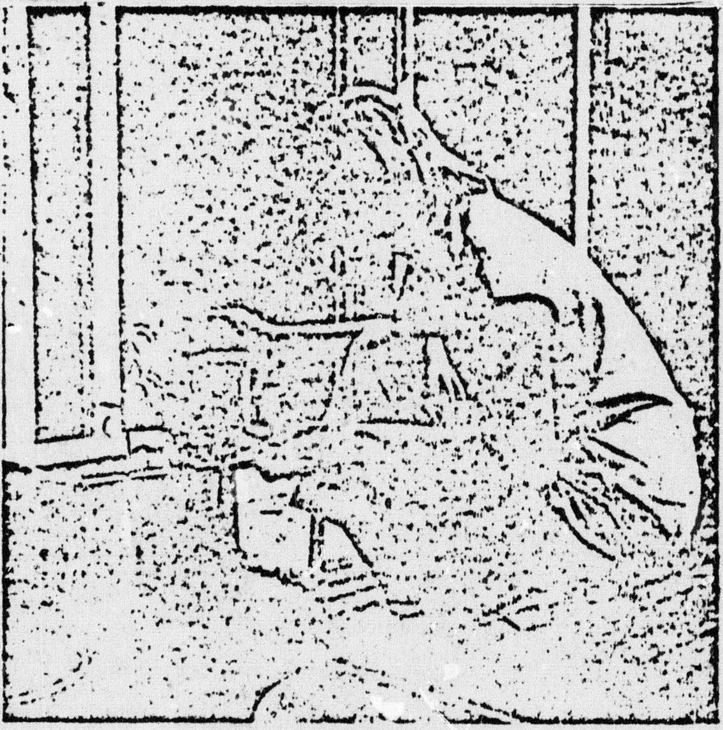
By ANDY ZIPSER

The dark glasses have come off now, presumably no longer needed to hide eyes red from sleeplessness or tears, and her [illegible] is more animated as she [illegible]ks.

"That's the place to be," she says, speaking of her recent third grade class. "They've moved past some sort of maturation marker, most of them, and they really take off. There's so much you can do with them, so much more that they can relate to—they're fantastic."

Or, showing off her rows of plants carefully carted home from a now-empty classroom: "These all started out as sick plants. People were going to throw them away and I'd say 'Don't, I've got a second-grade class. . . .' "

Or again, in a different context: "The kids are very open, [illegible]u just open the door and ease [illegible] in. And the funny thing is that you never know who you've reached until months later, when a mother tells you what an impression you've made."



GLADYS GENTILE

The speaker is Gladys Gentile, 39 years old and a resident of Port Jefferson, until the end of June a third-grade teacher in the Comsewogue school district. Now she faces the prospect of not having a job in September, the result of being denied tenure on the recommendation of district principal John Wallen. Wallen's recommendation, in turn, was based on charges that she participated in the falsification of her teacher observation records by signing misdated forms

Tenure Forsaken

There is irony in this denial, for Gentile has already had—and forsaken—tenure with the district. First coming to Comsewogue in 1962, she taught kindergarten and, after three years, was granted tenure. Robert Johnson, principal of Comsewogue Elementary and the person with whom she allegedly cooperated in the misdating of her evaluation forms, was her principal at that time and recommended her for tenure.

The following year, 1966, Gentile left the district in order to adopt her first child, Andrew. "There was no such thing as maternity or fraternity leave at that time, so I had to just leave," she explained. She was gone for two years, although a substantial part of that time was spent substituting. She then returned to teach kindergarten again, moved

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on to teach second grade. then "left to adopt Ellen." She says she returned to her teaching duties in the fall of 1972, taught second grade for two more years and taught third grade this past year.

"I've got reams and reams of recommendations saying 'We want you to come back whenever you're ready,' " she says of her two absences. "You don't get rehired again and again, or be allowed to return to your position after a long absence, unless you're conscientious."

Despite her background, however, Gentile says the roof fell in in March. "Everything seemed normal to me all year," she says. "Frankly, I didn't suspect any problem. Then he (Wallen) called me into his office in March and indicated there was a problem. The rest you know."

Dipping into History

"The rest" was an accusation that she had signed the observation forms, some going back two or three years, when they had erroneous dates: a day when she was absent, one in which Johnson was absent, Election Day. Wallen's interpretation of the misdating was that the observations had never in fact taken place; the result was a series of hearings for Johnson, nonrecommendation of tenure for Gentile.

"I feel no one has ever been called to task for something like this," Gentile explained. "We have to sign those forms to confirm that we discussed the observation, but it has never been a teacher's responsibility to check the date on the form—that is a clerical job. I know the man (Johnson) was in my room without question, probably more times than he has written down. We went by the book."

Notice of refusal of tenure was given to Gentile in a letter from BOCES superintendent James Hines. Gentile, entitled by law to file a response, devoted better than a week of sleepless evenings to composing a voluminous missive documenting the fact that the observations took place, taking issue with being accused of participating in a deception which she feels is a clerical error, asking to be informed of why it took Wallen two and three years to notify her of the discrepancy in dates.

That document is the only response she can make; the only remaining opportunity for her to resume her teaching position is for the school board to request Hines to reconsider his denial. The board is bound by law to review Hines' recommendation, she said, at its next meeting on July 21.

Whether the board will decide to request a reconsideration is anybody's guess, but a substantial number of Comsewogue parents are evidently hoping it will. Petitions have been circulated, advertisements have been printed, and a bright orange sticker with black lettering sums up their attitude: "Comsewogue kids need Gladys."

EXHIBIT S

By ANDY ZIPSER

More than a month of anxiety will be brought to a head Monday night for Gladys Gentile. On July 21 the Comsewogue board of education will hold its first meeting of the month, and one of the items on the agenda will be a recommendation from James Hines, superintendent of BOCES II, not to grant Gentile tenure.

Unlike the incident involving Shirley Baitz in Port Jefferson, in which a tenured teacher is being charged with insubordination, Gentile is not entitled to a hearing. She is, simply, not being rehired on an initial recommendation by district principal John Wallen. If that recommendation is to be reversed, it will have to be on the urging of the school board — and the school board is unlikely to adopt such an advocacy role without community pressure.

"Most boards are closer to the administration on matters like this," explained one member of Concerned Parents for Gladys Gentile, an ad hoc community organization. "We feel that everything's pointing to this one meeting, and it's really our only chance to make an impact."

The woman, who is also a non-tenured teacher in Comsewogue and who asked not to be identified for fear of reprisals, is one of several parents of school children taught by Gentile who have attempted to rally support on her behalf. The committee has placed advertisements in The RECORD, called other parents and circulated petitions requesting the school board to support Gentile. "I guess this has been largely an awareness campaign," the woman explained.

One person in support of Gentile who did not mind being identified is Margaret Townsend, a Port Jefferson Station resident who works in the district as a teacher's aide and is one of Gentile's chief advocates. Her concern for Gentile, she said, arises from the fact that her son was one of Gentile's first students, 13 years ago, and "she got him off to an excellent start."

"We're very unhappy to see power wielded the way it has been in this district," Townsend explained, "which hasn't been fairly. She's (Gentile) had tenure before, and she deserves it again.

If she had been only a mediocre teacher, I don't think she'd have this excellent support. She's being let go for reasons of clerical dates rather than on the basis of her teaching ability, and that's not right. We want her properly rehired as of September 1."

"Properly" rehired could only mean rehiring Gentile with tenure, as a teacher cannot work for more than three years in the district without being given tenure. Gentile had been granted tenure once before, but lost it when she left her job to adopt her first child.

Whether Townsend and Concerned Parents for Gladys Gentile have been successful in their awareness campaign will be evidenced Monday at 8 p.m., when the board will meet at J.F.K. Junior High School. Until then, Gladys Gentile can only wait, and hope.

Gladys Gentile

July 17, 1975

EXHIBIT S

LETTERS

June 19, 1975.

Concern voiced for Comsewogue teacher

To The RECORD:

I am writing this letter to the RECORD as a concerned parent of children who attend Comsewogue Elementary School. Many parents have given their support to Mrs. Gentile, a fine teacher at Comsewogue, who recently has been denied tenure.

Mrs. Gentile is the kind of teacher we want for our children. She is a warm, giving person who has given interest and shown concern to both good students and problem children. She works not only with the children but with their parents, so they may achieve their full potential. Her only reward has been personal satisfaction. To lose such a teacher from Comsewogue would be depriving our children of contact with an adult of good moral character who cares about our children and their future.

If our school district can do this to Mrs. Gentile, it can do so to other fine, interested, dedicated teachers who are presently working very hard with our children. Can we, as parents who love our children, allow our teachers to be denied tenure without receiving just reason for such actions.

Our children are our future. What they learn in school from their teachers will guide them for the rest of their lives. They will be making decisions in their lives and we will want them to be fair and just.

What can we do as parents to keep our good teachers, like Mrs. Gentile, in our school? Find out what is happening in our school and express your opinions. Come to all the board meetings and ask questions. We must fight for our teachers who care about the future of our children. We must ask the Board to review what has happened to Mrs. Gentile; hopefully, we will try to reverse the decision already made by our district principal.

NAME WITHHELD
Port Jefferson Station

To The RECORD:

Somehow it's a very discouraging experience to find that the parents of Comsewogue Elementary School children can receive no satisfactory answers to the questions they're asking about the problems currently besetting our school.

First our principal, Robert J. Johnson, was removed and replaced with no forewarning or explanation to us. His case is pending. Then we learned that one of our fine teachers, Mrs. Gladys Gentile, has been denied her request for tenure in our district. Responsible for both these incidents is District Principal John Wallen, who is providing us with many non-answers to our questions on the premise that to provide real ones would damage both the (ex-(?)) principal's and teacher's constitutional rights.

Many other parents and district residents feel as I do—that Mrs. Gentile is certainly deserving of being granted tenure, having given our school many years of quality teaching.

A COMSEWOGUE PARENT

To The RECORD:

As a concerned parent of children in the Comsewogue Elementary School in the Comsewogue school district, and with regard to Carol Kleppe's letter to The RECORD on June 5 regarding our school principal, Mr. Johnson, I would also like to bring up what has been happening to an excellent, outstanding teacher in this school.

Gladys Gentile, a third grade teacher at the Comsewogue Elementary School, is unfairly being denied tenure simply because of a few errors on the dates of her evaluations. Mrs. Gentile is a fine woman of integrity and an excellent teacher who gives more than just what is required.

It seems to me that someone is after our principal, Mr. Johnson, and our staff of teachers. The only way to stop this is if our community stands up and is counted and lets our Board of Education know that we will not tolerate these injustices.

By sitting back and not letting our feelings be known, the only question is, "Who will be next?"

BARBARA FISCHER
Port Jefferson Station

EXHIBIT S

Comsewogue Teacher Is Denied Tenure

By Amanda Harris

Port Jefferson Station—In what observers described as the largest community turnout over a local issue in memory, more than 200 parents and residents in the Comsewogue School District attended a school board meeting last night to fight for a highly respected teacher. But their goodwill and hard work were useless. The board voted unanimously to dismiss her.

"If there's way to fight it, I will fight," said the teacher, Gladys Gentile. Mrs. Gentile, a third-grade instructor at Comsewogue Elementary School, was denied tenure—and in effect dismissed—because she signed misdated forms evaluating her teaching ability.

Although the decision to deny her tenure had been made by Board of Cooperative Educational Services II Superintendent James Hines on the recommendation of District Principal John Wallen, the school board could have asked Hines to reconsider his decision.

Letters to the school board, statements at the meeting and a petition signed by 673 residents supported Mrs. Gentile. "She is a special teacher," wrote Linda Matthews, a colleague of Mrs. Gentile's. "She is a teacher first, last, and, I hope, always."

Ms. Matthews letter was read to the board by Waldemar Sill, a retired president of the board who also voiced his support for Mrs. Gentile. Sill said that Mrs. Gentile, who has been teaching in the district since 1962 but who had left twice on adoption leave, had once had tenure. But he said she lost it because she was not formally granted a leave of absence by the board in 1965.

While admitting that the evaluation forms she signed were misdated, Mrs. Gentile maintains it was a clerical error. She has begun legal proceedings against Wallen and the board, asking $1 million in damages for libel, slander and defamation of character. Robert Johnson, principal of the elementary school, who misdated the forms, also faces possible dismissal over the incident.

Although she said she was not really surprised by the board's vote, Mrs. Gentile said she was surprised by the concern of the community. "I didn't realize there was this much sentiment and support," she said. "It seems incomprehensible that the board didn't respond."

EXHIBIT S

Comsewogue Teacher Sues

A former Comsewogue school teacher, who was fired last year because she signed misdated teacher evaluation forms, has filed a $3 million federal court suit against school district officials, the Consewogue Board of Education and BOCES II Superintendent James Hines.

In court papers filed Wednesday in U.S. District Court, Brooklyn, teacher Gladys Gentile of Port Jefferson asked for restoration of her job, back pay and compensation for "mental distress, libel and slander as a result of her termination." School officials could not be reached for comment yesterday.

Mrs. Gentile, who had taught in the district since 1962, was denied tenure—in effect, fired—on July 21 by the board of education, which acted on a recommendation by Hines. Hines had ruled that Mrs. Gentile be denied tenure because she had signed five misdated forms evaluating her teaching ability. While admitting that the dates—which fell on Saturday, Election Day or days when she was ill—were wrong, Mrs. Gentile maintained the errors were clerical. Her accusers have attributed no motive to the misdatings.

Robert Johnson, the former principal of Comsewogue Elementary School who performed the evaluations, was also removed because of the incident.

The controversy prompted community support for both Johnson and Gentile. More than 200 parents and residents attended the board meeting at which Mrs. Gentile was finally fired. The Port Jefferson Station Teachers Association has been trying to take her case to arbitration; the union is now appealing a ruling against the move by State Supreme Court Judge Gordon M. Lipetz.

EXHIBIT S

EXHIBIT T, ANNEXED TO WALLEN AFFIDAVIT,
TRANSCRIPT OF DEPOSITION OF GLADYS GENTILE
HELD ON OCTOBER 1, 1975

In the Matter of the Claim of

GLADYS GENTILE,

-against-

THE BROOKHAVEN - CONSEWOGUE UNION
FREE SCHOOL DISTRICT AND JOHN W.
WALLEN.

DEPOSITION of the Claimant, GLADYS GENTILE, held on the 1st day of October, 1975 at 2:10 P.M., at the offices of FREDERIC BLOCK, ESQ., 1919 Middle Country Road, Centereach, New York, pursuant to Notice of Claim dated June 30, 1975, and before ROCHELLE LEICHTER, a Notary Public of the State of New York.

EXHIBIT T

APPEARANCES:

SHELDON J. SANDERS, ESQ.
Attorney for Claimant
114 Old Country Road
Mineola, New York 11501

FREDERIC BLOCK, ESQ.
Attorney for Respondent
1919 Middle Country Road
Centereach, New York 11720

oOo

GLADYS GENTILE, having been duly sworn, was examined and testified as follows:

EXAMINATION BY MR. BLOCK:

Q May I have your full name and address, please?

A Gladys Gentile; 102 Jefferson Avenue, Port Jefferson, New York.

Q Now, Mrs. Gentile, the address that you just gave you have been living there for some time?

A Yes.

Q Can you approximate how long you have been living at that address?

A Eight years, approximately.

Q Now, I'm going to show you and ask that you identify this for the record what purports to be a claim and ask whether you can acknowledge that that claim bears your signature on the second page.

MR. SANDERS: Is that your signature?

THE WITNESS: Yes, it is.

Q Will you identify that, please, as the Notice of Claim of which this examination is all about?

A Yes.

Q Now, Mrs. Gentile, did you execute this on the date of June 30, 1975?

MR. SANDERS: The document speaks for itself. We concede what's on the document there.

Q Now, on April 3, 1975, was something said or written or did something happen to cause you to believe that you were libeled, slandered or defamed by either the Brookhaven - Comsewogue Union Free School District or John W. Wallen?

MR. SANDERS: And when you say the Brookhaven - Union Free School District, you mean any of their employees acting on their behalf?

MR. BLOCK: Any of their employees, agents or whatever.

Q Did something happen on that date?

MR. SANDERS: Yes.

A Yes.

Q You're going to have to answer the questions yourself, I'm afraid.

A Well, I'm --

Q [INTERPOSING] Can you tell us where this particular thing that happened took place; physically, what location?

A I received a letter memorandum at the Elementary School.

Q Then what happened was in the form of a written memorandum?

A Yes.

Q Something in writing?

A Yes.

Q Can you tell me, generally, what the memorandum was titled?

MR. SANDERS: Who sent you the letter?

THE WITNESS: Mr. Wallen.

MR. SANDERS: What did the letter say?

MR. BLOCK: Let me ask the questions, please.

Q The letter came from Mr. Wallen?

A Yes.

Q It was under his signature?

A Yes.

Q Do you have a copy of that memorandum with you today?

A No.

Q Do you have a copy at all of that memorandum in existence anyplace?

A Yes.

Q Where, may I ask you, is the memorandum today?

A In storage.

MR. BLOCK: I'm going to ask for the production of that memorandum.

MR. SANDERS: You can ask for it.

MR. BLOCK: And will you serve a copy of that when you respond to the examination that is being held?

MR. SANDERS: I'll reserve my rights on that.

MR. BLOCK: I'm sorry.

MR. SANDERS: I'll reserve my rights under that.

MR. BLOCK: Well, I'm going to ask that the memorandum be produced, and you know, if you don't produce it, then I will go to Court, if necessary, and ask for its production.

Q Can you tell us then today, in the absence of having this written memorandum -- by the way, do you recall what date that memorandum bore?

A No, I don't, not at this time.

Q Do you recall whether it was on the stationery or the letterhead of the School District?

A Not exactly.

Q Not exactly is that you don't recall or it was or was not on the letterhead?

A I'm not sure.

Q Would you recall whether it was on Mr. Wallen's personal letterhead?

A No.

Q No, it was not?

A No, I don't recall.

Q You don't recall that either?

A No.

Q Do you recall what it said that made you believe that you were being libeled, slandered or defamed?

A No, not specifically.

Q Do you recall anything at all about the contents of that memorandum which made you believe that you had been libeled, slandered or defamed by its contents?

MR. SANDERS: Just hold it for one second. The letter was a letter of intention to dismiss you?

THE WITNESS: To deny recommendation for tenure.

MR. SANDERS: To deny recommendation for tenure.

Q This letter was one that recommended denial of tenure to you?

A Yes.

Q And was the letter addressed to any particular board or agency or person?

A To me.

Q Was it directed to you?

A To me.

Q It was a letter personally sent to you?

A Yes.

Q What, if anything, in that letter do you consider to be defamatory, slanderous or libelous?

MR. SANDERS: She thinks the contents of the letter was libelous, defamatory and slanderous, and we will produ[illegible] the letter with the return of this examina[illegible], and the letter will speak for itself.

What you're asking for is to call for a legal conclusion, and she won't do that.

MR. BLOCK: What I'm asking her about is the contents of the letter.

MR. SANDERS: We'll produce the entire contents of the letter for you.

MR. BLOCK: Fine, you didn't make that concession before.

MR. SANDERS: I make that concession now.

BY MR. BLOCK: [CONTINUING]

Q Does that letter constitute part of your claim against the School District and Mr. Wallen?

MR. SANDERS: Yes.

Q Now, I direct your attention to the date of

April 10, 1975. Did anything happen on that date to make you believe or to cause you to conclude that you had been libeled, slandered or defamed?

A Yes.

Q Could you tell us what it was?

A I received a letter from Mr. Wallen.

Q Could you speak up, I can't hear you.

A I received a letter from Mr. Wallen.

Q You received another letter from Mr. Wallen?

A Yes.

Q Did anything happen prior to April 3rd that made you feel that you had been libeled, slandered or defamed by the School District or Mr. Wallen?

MR. SANDERS: When you say "anything happen," I don't understand your question.

MR. BLOCK: I'll rephrase it.

Q Is April the very first date, and you have now described this memorandum that you received, the very first incident or occurrence which made you believe that you had been improperly treated in respect to what is contained in your Notice of Claim?

A Yes.

Q There is nothing before that of which you are complaining about, is there?

MR. SANDERS: Not at this time.

THE WITNESS: Not at this time.

MR. BLOCK: I object to your giving the answers, quite frankly, Mr. Sanders. I have to, for the record, indicate that I'm here to examine Mrs. Gentile and not her attorney.

MR. SANDERS: But let the record show that I'm here as her attorney to advise her. Ask the next question.

MR. BLOCK: If you don't want her to answer, say so.

Q Did anything happen between April 3rd and the next letter that you just told us about, April 10th, to give you cause to believe that you were libeled, slandered or defamed by Brookhaven - Comsewogue, its agents, employees or Mr. Wallen?

A I don't know.

Q You don't know that?

A At this time.

Q At this time you don't know? At a subsequent time you may learn this?

A Possible.

Q I see. Now, you do remember, specifically on April 10th, receiving, as you say, another letter?

A To the best of my recollection.

MR. SANDERS: Yes, your answer is yes?

THE WITNESS: Yes.

Q Can you give us some general description, Mrs. Gentile, of the nature of that letter?

MR. SANDERS: We'll furnish you with a photostatic copy of the letter.

Q Do you have such a letter?

A Yes.

MR. SANDERS: Yes.

Q You will furnish us with a copy of that letter?

A Yes.

Q Well, for purposes of this examination today, so we can make some progress, do you recall what its contents were?

MR. SANDERS: Hold it.

Q Now, did anything occur between April 10th, that you recall today, and June 2nd, that gave you further cause to believe that anything by the Brookhaven School District or Brookhaven - Comsewogue School District or John W. Wallen served for a basis of further libel, slander or defamation against you?

A That's an awfully long question.

Q I'm sorry, I didn't hear you. Did anything occur between April 10th and June 2, 1975 to make you believe you had been libeled, slandered or defamed during that time frame?

A I don't think so, no.

Q Now, on June 2nd -- oh, by the way, you recall that part of your Notice of Claim, which is what I'm referring to? Would this refresh your recollection if I showed it to you today? With respect to the twenty-five days that you list in the Notice of Claim, is this the sum total of the dates where you claim that you were libeled, defamed or slandered?

A I'm not sure about it.

Q Well, is there anything else other than what's stated in that Notice of Claim?

MR. SANDERS: As to her present knowledge, the facts that are contained in the Notice of Claim are the claim.

MR. BLOCK: At the present time dealing with these dates?

MR. SANDERS: At the present time dealing with these dates.

MR. BLOCK: Would you mark these for Identification?

[WHEREUPON NOTICE OF CLAIM WAS MARKED DISTRICT'S EXHIBIT I FOR IDENTIFICATION AND LETTER DATED APRIL 10, 1975 WAS MARKED DISTRICT'S EXHIBIT II FOR IDENTIFICATION.]

Q Now, I'm going to ask you questions about June 2, 1975. Did something happen on that date to cause you further cause for concern that you had been libeled, slandered or defamed by the School District or by Mr. Wallen?

A Yes.

Q Tell us what happened then on June 2, 1975.

A I received a letter.

Q Another letter?

A Yes.

Q Who was this letter from?

A I believe this one was from Mr. Heins.

Q Now, do you have a copy of that letter with you?

A No, I don't.

MR. BLOCK: I take it that you will stipulate to furnish us with a copy of that letter.

MR. SANDERS: Yes.

Q Do you recall, for the purposes of this examination today, what there was in this letter that made you feel that you had been libeled, slandered or defamed?

A [NO RESPONSE.]

MR. BLOCK: Please, Mr. Sanders, I don't want to have running conferences here. If you want to talk to your client outside privately, but not in the questioning.

MR. SANDERS: Thank you, but I don't need your permission.

MR. BLOCK: Yes, you do, because I'm conducting this examination. This is improper.

Do you want it read back to you?

THE WITNESS: Yes.

[WHEREUPON THE LAST QUESTION WAS READ BACK BY THE REPORTER.]

MR. SANDERS: Your answer is either yes or no.

THE WITNESS: Yes.

BY MR. BLOCK: [CONTINUING]

Q Can you tell us what that was?

A Briefly, it was a letter of dismissal from Mr. Heins.

Q Yes, and what in that letter of dismissal made you believe that you had been libeled, slandered or defamed?

A I don't know precisely.

Q It's the general letter you're talking about?

A Yes.

Q Nothing specific in that letter?

A Correct.

Q Now, how about this letter of April 10th, which has now been served as the District's Exhibit Number II? Can you indicate what there is in that letter that makes you believe that you had been libeled, slandered or defamed?

MR. SANDERS: That letter speaks for itself. You're asking her to call for a legal opinion.

MR. BLOCK: The letter, what does it say? I'm asking her to tell us what the basis of her claim is. I want to know where she believed to be defamed.

MR. SANDERS: The basis of her claim is in the letter which speaks for itself.

MR. BLOCK: Are you going to allow your client to answer the question?

MR. SANDERS: No.

MR. BLOCK: Okay, you can say no, but if I feel I have to go to Court, I will.

You refuse to answer

that question, is that your position?

MR. SANDERS: The question has been answered. There's an objection to the question.

MR. BLOCK: Okay, you object to the question. You don't think it's a proper question to ask?

MR. SANDERS: No.

MR. BLOCK: We'll make a record here, and some other authority may tell us whether you're right or I'm right.

BY MR. BLOCK: [CONTINUING]

Q Now, on June 11, 1975, will you tell us now whether something happened on that date that made you believe that you had been libeled, slandered or defamed by the School District or Mr. Wallen?

A Yes.

Q Tell us what that was.

A There was testimony given regarding -- there was testimony given regarding certain statements allegedly made by myself at that time.

Q Now, when you say there was testimony, could you be a little more specific and tell us where this occurred?

A I don't know -- well, it was at a tenure panel hearing for a principal.

Q There was a hearing, an official hearing, that was being held?

A Yes.

Q Would that be the hearing involving the matter of Robert Johnson?

A Yes.

Q And was that at the Comsewogue High School, the auditorium?

A I don't know.

Q Were you present at that occasion?

A No.

Q And there was something that you heard during the course of testimony that was taken in this proceeding which concerned you?

A Yes.

Q Would you tell us who it was that said that?

A Mr. Wallen.

Q And what was it that caused you specifically to believe you had been libeled, slandered or defamed?

A At this time I don't have a copy of that transcript.

Q Well, give us the substance.

A That I knowingly signed evaluation forms which were improperly dated.

Q I'm sorry, I just can't hear what you said.

A The testimony was to the effect that I had signed certain teacher-observation forms knowing that they were inaccurate.

Q And that's your recollection of the testimony that Mr. Wallen gave and your belief that that constituted either libel, slander or defamation of you?

A Yes.

Q Did you testify at that hearing, by the way?

A No.

Q Were you asked by anyone to testify at that hearing?

MR. SANDERS: Objection. When I object, you don't answer.

THE WITNESS: Okay.

Q Now, how about on June 12, 1975, did something happen on that day to make you believe you had been libeled, slandered or defamed?

A I don't recall the incident of July 12th right at this moment.

Q When you set this forth in your Notice of Claim on June 30, 1975, when you executed this Notice of Claim, did you at that time have knowledge of anything that happened on June 12, 1975?

A At this time I just don't recall.

Q You have no recollection now?

A No.

Q When you signed this Notice of Claim, there is no mistaking the date of June 12, 1975. I'll show it to you and ask whether that might refresh your recollection on your dates. Does it help you at all?

A No.

Q By the way, I'll ask you to look at this page also, the verification. Does that bear your signature as well, verifying to the truth of that Notice of Claim?

A Yes.

Q Was that signed by you after the Notice of Claim was read by you?

A Yes.

Q So, you have no recollection today of anything that happened on June 12, 1975, which caused you to believe that you had been either libeled, slandered or defamed by the School District or by Mr. Wallen?

A I answered your question, no.

Q No?

A No.

Q Now, I've taken you through all of the dates that are set forth in your Notice of Claim. Will you tell us, are there any other times, places, dates, whatever, that you, at the present time, believe something happened by somebody working or an agent of the School District or Mr. Wallen himself, which caused you to believe that you had been libeled, slandered or defamed?

MR. SANDERS: No. Answer the question.

A Well, possibly.

Q Can you tell us what that possibility is, the time,

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the date, the place or what happened? ·

A I don't know the time or the date exactly, because I wasn't present.

Q I'm sorry, Mrs. Gentile, I really have to ask you to speak louder. I know you're capable of doing that, okay?

A Yes, information was given to the unemployment examiner.

Q To an unemployment examiner, information was given?

A Yes.

Q Do you know what month this was?

A I believe it was very probably July or August. I'm not sure whether it was the end of July or August.

Q What was the information that was given that you felt possibly libeled, slandered or defamed you?

A It was to the effect that I had signed fraudulent documents in the School District.

Q Was that information given by anyone in particular to the Unemployment Insurance Agency?

A Someone from the School District.

Q You don't know who?

A Honestly, I don't.

Q Was that information imparted in a written form or in an oral form?

A I believe it was oral, but I can't be certain.

Q Was that information imparted at a hearing of some sort or at a conference?

A No, no.

Q Were you present when this information was given to the Unemployment Insurance Department?

A No.

Q May I ask you then how you acquired this apparent knowledge?

A It was included in a letter -- I think it's a notice to me from the Unemployment Bureau.

Q You received a notice from the Unemployment Bureau?

A Yes.

Q And that notice made some mention of something that was said by someone of the School District?

A Yes.

Q Do you have that notice at home?

A I believe so.

MR. BLOCK: Can I ask that that be furnished also since, apparently, it's being relied on?

MR. SANDERS: If it's available, we'll make a copy of it.

THE WITNESS: I think I have it.

MR. SANDERS: If not, we'll make every effort to get it.

Q Now, aside from this, anything else, any other situation or occurrence where you felt you were libeled, slandered or defamed by the parties who you have joined with here in your Notice of Claim?

A Not to my knowledge at this time.

Q At this time?

A Well, --

Q [INTERPOSING] Anything happen at the School District Office at 400 Jayne Boulevard in the School District Office that made you believe at any time that you had been libeled, slandered or defamed?

A I just don't know.

Q Okay. Are you presently working, Mrs. Gentile?

A No.

Q Have you made an effort to obtain other employment?

A Yes.

Q Can I ask you generally what efforts you have made in that respect?

A I have written letters of application to many School Districts.

Q And I ask you approximately how many letters of application you have written?

A Probably a dozen or so.

Q Have you gotten any response from any of those School Districts?

A Yes.

Q And I take it they've all been negative?

A Yes.

Q As a result of these feelings of yours that you've been libeled, slandered or defamed, did you seek any medical attention?

A Some.

Q Well, can you tell us what medical attention you sought or obtained?

A Just a general.

Q Did you go to a doctor?

A Yes.

Q Which doctor?

A John Biasetti.

Q Do you know his address?

A It's Terryville Road, Port Jefferson Station.

Q In Port Jefferson Station. Do you recall when you saw Doctor Biasetti for the first time?

A For the very first time?

Q I mean concerning the problems that you had here in terms of being caused mental anguish, as a result of the libel, slander and defamation?

A No, I can't recall the date.

Q Well, can you help us by telling us what month this happened?

A Probably May or June.

Q Did you see Doctor Biasetti because you did not feel well either mentally or physically, as a result of these various libel, slanders and defamations?

A Yes.

Q Did you tell Doctor Biasetti about this problem that you were experiencing?

MR. SANDERS: Objection.

Q How many times did you see Doctor Biasetti about this condition?

A I think only once.

Q What type of doctor is Doctor Biasetti, a psychiatrist or a general practitioner?

A He's my internist.

Q He's an internist? Were you having problems of that nature requiring the services of an internist?

A Yes.

Q Did he give you any treatment or prescriptions?

A Yes.

Q What did he prescribe for you?

A Appropriate medication, which would be Librax.

Q What type of medication is that? Is it a tranquilizer?

MR. SANDERS: She's not competent to give medical testimony.

MR. BLOCK: She may know what it is.

MR. SANDERS: She's not competent to give medical testimony.

Q Do you have any idea what you were taking?

MR. SANDERS: She testified she was taking Librax.

MR. BLOCK: Why don't you say you object to the question, it's much easier.

MR. SANDERS: I object to the question.

Q Do you recall how often he prescribed you to take that?

A Directed as needed.

Q And there are times when you felt you needed it?

A Definitely.

Q Well, how did you feel when you felt that you needed it?

A Ill.

Q Ill. How can you describe it. Did you have a headache, did your feet hurt?

A I have spastic colitis.

Q Did you have that condition before you went to see Doctor Biasetti?

A Not for the prior two years or so.

Q You had it prior to that but not for the past two years?

A Yes.

Q Do you still have that condition today?

A It is not the kind of condition that one sustains on a regular basis.

Q When was the last time you had a spastic colitis situation?

A An attack, I don't recall at this time.

Q You have no recollection?

A No.

Q Do you have any recollection whether you experienced the attack on either April 3rd, April 10th, June 2nd, June 11th or June 12th?

A I don't recall at this moment.

Q Do you have any recollection as to what month you first experienced this attack during the season, the Spring or Summer of 1975?

A Not exactly.

Q You saw Doctor Biasetti just that one time?

A Yes.

Q Did he prescribe any other medication for you at that time other than what you have told us?

A Yes.

Q What else?

A Valium for sleeping.

Q All right. Is this the first time that you had taken Valium?

A For this purpose, yes.

Q You had taken Valium for other purposes before?

A Yes.

Q Now, did you see any other doctor at all, aside from Doctor Biasetti, with respect to the alleged mental anguish which you suffered, as set forth in your Notice of Claim?

A No.

Q You saw Doctor Biasetti that one occasion, and that was the only doctor that you spoke to?

A I spoke with him on other occasions.

Q On the telephone?

A On the telephone.

Q How often did you speak to him on the telephone as a result of the alleged mental anguish?

A Several times.

Q After this first visit?

A Before and after.

Q When you spoke to him on the telephone, did he provide for any medication on the telephone for you?

A Yes.

Q What medication did he provide for you on the phone?

A The same medication as has been mentioned.

Q Were prescriptions renewed in that respect?

A I don't recall whether they were renewed or initiated.

Q He told you to take the same medication, in other words?

A I don't recall that. I don't recall exactly the sequence at this moment.

Q Now, any of the School Districts that you heard from in response to the dozen or so letters of inquiry that you made for employment, were any of those School Districts of the opinion, in their correspondence to you, that they would not hire you for a particular reason?

A [NO RESPONSE.]

Q I mean was it set forth as to why they were not hiring you?

MR. SANDERS: I don't understand your question.

Q What did the letter say, generally?

A They're all different.

Q Do you recall whether the letter said we don't want to hire you because we don't think you're a capable teacher?

A No.

Q Was there anything in any of those letters, if you can recall, which had been intended to suggest that these particular School Districts felt you did not have a good reputation as a teacher?

A I just don't recall.

Q Or that your character was questioned in any of those letters. Do you recall that at all?

A No, I don't recall that either way.

Q Do you still have these letters at all?

A Those I may or may not have.

MR. BLOCK: Well, if you do have them, I'm going to see if they can be produced to see whether or not her character has been directly affected.

MR. SANDERS: Well, I'll produce them, not to see if her character has been affected. I'll produce them as a matter of courtesy, and you can interpret in any way that you see fit, but I won't produce them with any conditions or stipulations on it.

MR. BLOCK: Well, you'll produce them.

Q Are you still under medical treatment at the present time?

A Yes.

Q Can you tell me in what manner or fashion you now are under medical treatment?

A In the normal, fairly normal maintenance.

Q For what condition, what reason?

A I'm always under the treatment and care of my physician.

Q Oh, just generally you're under treatment all of the time?

A It could flare up anytime as the result of these proceedings or any other proceedings.

Q You consider yourself being under treatment at the present time?

A I don't exactly know what your question means.

Q Well, you haven't seen any other doctor other than Doctor Biasetti on that one occasion since then, have you?

A No, I don't think so.

Q You're not sure whether you have?

A Well, yes, I have, as a matter of fact.

Q But not related to this particular thing?

A Possibly.

Q But not related to this?

MR. SANDERS: She said it wasn't related to this.

MR. BLOCK: I can't hear it.

MR. SANDERS: You have to hear it because you're repeating the answers.

Q I'll ask you once again, so I understand this. You told me specifically you saw Doctor Biasetti on one occasion. Have you, subsequent to Doctor Biasetti, consulted with any other medical man about any physical condition which you claim you suffer as a result of this Notice of Claim?

A No.

MR. BLOCK: I have no further questions. Thank you very much.

[WHEREUPON THIS EXAMINATION WAS CONCLUDED AT 2:45 P.M.]

oOo

GLADYS GENTILE

Subscribed and Sworn to before me, ____________,

a Notary Public of the State of New York, on this

______________ day of __________________, 1975.

EXHIBITS

DISTRICT'S EXHIBIT I FOR IDENTIFICATION:	Notice of Claim	Page 12	Line 22
DISTRICT'S EXHIBIT II FOR IDENTIFICATION:	Letter	Page 12	Line 24

CERTIFICATION

STATE OF NEW YORK)
) ss:
COUNTY OF SUFFOLK)

I, ROCHELLE LEICHTER, a Notary Public in and for the State of New York, do hereby certify:

THAT GLADYS GENTILE, the witness whose Deposition is hereinbefore set forth, was duly sworn by me; and

THAT such Deposition is a true record of the testimony given by said witness.

I further certify that I am not related, either by blood or marriage, to any of the parties to this action; and

THAT I am in no way interested in the outcome of this matter.

IN WITNESS WHEREOF, I have hereunto set my hand this 15th day of October, 1975.

ROCHELLE LEICHTER

Exhibit U, Annexed to Wallen Affidavit,
Minutes of Budget Defeat Dated July 13,
1976

Comsewogue School District

DISTRICT OFFICE
400 JAYNE BLVD.
PORT JEFFERSON STATION, NEW YORK 11776
Area Code 516 473-8100

PIERINA ROBERTO
DISTRICT CLERK

R.T. HUBBARD
DISTRICT TREASURER

BOARD OF EDUCATION
~~FRANK D'ADDARIO~~ Arthur S. Howard
PRESIDENT
Peter Sapienza
~~[illegible]~~
VICE-PRESIDENT
Frank D'Addario
~~[illegible]~~ R. Calendrino
ROSELLA DREYER
~~JEROME FLESCHER~~ F. Mitchell
~~ARTHUR S. HOWARD~~ F. Rivera
~~PETER SAPIENZA~~

July 13, 1976

TO WHOM IT MAY CONCERN:

I hereby certify and swear that this is a true excerpt from the May 25, 1976, minutes of the Annual Meeting of the Board of Education of the Comsewogue School District.

> "Proposition #1 - Shall the annual school budget of the School District for the fiscal year of 1976-77 in the sum of $13,922,483 as proposed by the Board of Education, with the requisite portion thereof to be raised by taxation on the taxable property of the School District, as required by law, be adopted?
>
> YES 507 NO 1428
>
> Proposition No. 1 was declared defeated."

SWORN TO THIS 13th DAY OF JULY, 1976

EXHIBIT U

Pierina Roberto
Pierina Roberto, District Clerk

EXHIBIT V, ANNEXED TO WALLEN AFFIDAVIT, LETTER DATED JUNE 21, 1976 FROM JOHN W. WALLEN

Letter sent to attached, ajf.

June 21, 1976

Dear

The Board of Education has deliberated long hours in attempting to resolve the financial crisis that exists in the Comsewogue School District. These deliberations have resulted in decisions that are most distasteful to all and by no means professionally satisfying.

Therefore, it is by direction of the Board of Education that I advise you effective June 30, 1976, your position as a teacher in the Comsewogue School District will be eliminated. The length of your service in this school district and the area of your major teaching assignment was the basis for making the decision to terminate your services. If vacancies are created between June 30th and the opening of school in September due to retirements, leaves of absence, etc., we will fill these openings with people in your position on the basis of seniority in the tenure area and certification for the position.

The Board of Education and administration deeply regret that this unfortunate step has become necessary.

Sincerely yours,

John W. Wallen,
District Principal

JWW/pn

cc: J2

EXHIBIT V

BEST COPY AVAILABLE

Exhibit V, Annexed to Wallen Affidavit,
List of Affected Teachers

LIST OF TERMINATIONS 6/30/76

TITLE I:

Hendricks, Lowell	- Sr. H. S.
Lal, Sandra	- JFK
Foglia, Frank	

SENIOR HIGH SCHOOL:

Donovan, Mary Ann	-	English
Bennett, Roscoe	-	Science
Brush, Richard	-	Science
Delaney, Elaine	-	Social Studies
Baron, Linda	-	Home Ec.
Dunkin, Edwin	-	Guidance
Fesselmeyer, Peter	-	Industrial Arts
Kutzing, Lorraine	-	Business Ed.
Bennett, Alice	-	Business Ed.
Melo, Maria	-	For. Lang.
Sperber, Fred	-	Reading
Austen, Alan	-	Media Center
Cassese, Thomas	-	Phys. Ed.

J. F. KENNEDY:

Roth, James	-	Math.
Dawkins, William	-	Math.
Carlomagno, Sal.	-	Math.
Jantzen, Robert	-	Social Studies
Romeo, Frank	-	Social Studies
Bregman, Gene	-	Art
Fesselmeyer, Linda	-	Art
Lovell, Joan	-	Art
Baldo, Della	-	Guidance
McDowell, Charles	-	Music
Englert, Nancy	-	Phys. Ed.
deBastos, Emma	-	E.M.R.

BOYLE RD.:

Weiss, Lydia - Art
Von Toussaint, E. - Reading
Petersen, Donna - Music

CLINTON AVE:

Venezia, Gail - Music
Judge, Thomas - Phys. Ed.
DiPiazza, Fran - Phys. Ed.

NORWOOD:

Bell, Frances - Reading
MacMillan, Nancy - Music
Short, Gary - Phys. Ed.

TERRYVILLE:

Sebastianelli, Paul - Music
Johnson, Christine - Phys. Ed.

COMSEWOGUE:

Churgin, Eileen - Music
Pendergast, Chris - Phys. Ed.

EXHIBIT V

AFFIDAVIT OF JAMES HINES

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

---x

GLADYS GENTILE,

Plaintiff, :

AFFIDAVIT

- against - :

JOHN WALLEN, individually and as District Principal of the Comsewogue School District, et al.,

Defendants :

---x

STATE OF NEW YORK)
) SS.:
COUNTY OF SUFFOLK)

JAMES HINES, being duly sworn, deposes and says:

1) I am one of the defendants herein and submit this affidavit in support of the application on behalf of all of the defendants to dismiss the complaint, or, in the alternative, for summary judgment.

2) I am the District Superintendent of Schools for the Second Supervisory District of Suffolk County, which includes the Brookhaven-Comsewogue Union Free School District, and functioned in such capacity throughout the year of 1975, when it was necessary for me to make a determination in respect to whether tenure should be recommended for GLADYS GENTILE, a teacher in the Brookhaven-Comsewogue Union Free School District, as then required of me by §3013 of the Education Law of the State of New York.

3) On or about April 17, 1975, I received a copy of the letter from JOHN WALLEN, dated April 10, 1975, which had been forwarded to Mrs. Gentile in response to her demand to learn the reasons why Mr. Wallen, the District Principal, was not recommending her for tenure.

4) Thereafter, I was requested by Mr. Christopher Dillon, the President of the Teachers Association, to afford Mrs. Gentile a hearing at my office so that Mrs. Gentile and her representatives could bring to my attention a full explanation of all circumstances involved in this matter.

5) Recognizing the seriousness of the issues, I agreed to conduct a hearing at my office, which is not my usual custom.

6) The hearing was held on May 15, 1975, at which time GLADYS GENTILE appeared in person, together with Mr. Dillon and another union representative. All of these people were given a full opportunity to be heard and to present any evidence, documents or other materials bearing on the issue. The hearing lasted for approximately one hour, and I gave the contentions of Mrs. Gentile and her representatives full and careful consideration.

7) Nonetheless, I thereafter determined to recommend against the granting of tenure to Mrs. Gentile .

8) On June 2, 1975, I sent a letter to Mrs. Gentile

advising her of my decision, and of her rights, pursuant to §3031 of the New York State Education Law, to request a written statement of reasons for my recommendation and to respond in writing to such reasons. A copy of this letter is annexed hereto as Exhibit A.

9) Thereafter, by letter dated June 4, 1975, a copy of which is annexed hereto as Exhibit B, Mrs. Gentile requested that I state the reasons for my negative recommendation.

10) These reasons were supplied in accordance with the mandate of §3031 of the Education Law, by letter dated June 11, 1975, a copy of which is annexed to the Complaint herein as Exhibit V.

11) Thereafter, Mrs. Gentile exercised her statutory right to respond to my recommendation in writing by delivering to me an eighteen page letter-memorandum, copies of which were sent to the Comsewogue District Principal and to the District Clerk. A copy of Mrs. Gentile's letter is annexed to the Complaint as Exhibit VI.

12) The foregoing is the total extent of my involvement in this matter. At no time did I act other than in my official capacity as District Superintendent in the discharge of my responsibilities relative to tenure determinations as delineated in the Education Law and the regulations of the New York State Department of Education. At no time did I dis-

close any information relating to the Gentile matter to the news media, to the public or to anyone else. I was at all times aware of the sensitive nature of the circumstances surrounding Mrs. Gentile's tenure status and of the need for confidentiality. My actions were at all times guided accordingly.

James Hines
JAMES HINES

Sworn to before me this
14th day of July, 1976

Notary Public

FRANCIS L. HARRAR
Notary Public, State of New York
No. 52-2545015
Qualified in Suffolk County
Commission Expires March 30, 1977

Exhibit A, Annexed to Hines Affidavit,
Letter from James Hines to Gladys Gentile,
Dated June 2, 1975

RECEIVED
JUN 3 1975
BY THE OFFICE OF
THE DISTRICT PRINCIPAL

THE UNIVERSITY OF THE STATE OF NEW YORK
THE STATE EDUCATION DEPARTMENT
SECOND SUPERVISORY DISTRICT OF SUFFOLK COUNTY
201 SUNRISE HIGHWAY
PATCHOGUE, NEW YORK 11772

JAMES [illegible]
DISTRICT SUPERINTENDENT OF SCHOOLS

TELEPHONE
(516) 289-2200

June 2, 1975

Mrs. Gladys Gentile
102 Jefferson Avenue
Port Jefferson, NY 11777

Dear Mrs. Gentile:

In accordance with the authority granted to me under Section 3013 of the New York State Education Law, and after much study and deliberation, I am officially notifying you that I am not recommending you for a tenure appointment as an elementary teacher in the Brookhaven-Comsewogue Union Free School District. Therefore, your employment in said district will terminate as of August 31, 1975.

For your information I will point out that Section 3031 of the New York State Education Law has established certain procedures whereby a teacher not being recommended for tenure may request in writing that he/she be furnished with a written statement giving the reasons for such recommendation. It also provides an opportunity for the teacher to respond in writing to such reasons. This section in no way, however, modifies the existing law with respect to the termination of services of teachers.

Also in accordance with Section 3031, it is my understanding that the Brookhaven-Comsewogue Board of Education will hold a meeting on July 7, 1975 to review my decision not to appoint you to tenure.

Sincerely,

James Hines

James Hines
District Superintendent

JH/tw

cc: Mr. John Wallen ✓
Mrs. Pierina Roberto
Miss Helen Ackerly

EXHIBIT A

Exhibit B, Annexed to Hines Affidavit,
Letter from Gladys Gentile to James
Hines, Dated June 4, 1975

RECEIVED
JUN 6 1975
BY THE OFFICE OF
THE DISTRICT PRINCIPAL

102 Jefferson Avenue
Port Jefferson, New York

June 4, 1975

Mr. James Hines
Superintendent of Schools
201 Sunrise Highway
Patchogue, New York

Dear Mr. Hines:

I hereby request the reasons for your determination that you will not recommend me for a tenure appointment as an elementary teacher in the Brookhaven-Comsewogue Union Free School District.

In making this request I am in no way waiving my right to claim, in any appropriate forum, that I am indeed already tenured.

Yours truly,

Gladys N. Gentile

Gladys N. Gentile

c: Mr. John Wallen

EXHIBIT B

BEST COPY AVAILABLE

AFFIDAVIT OF FRANK D'ADDARIO

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

GLADYS GENTILE,

Plaintiff,

AFFIDAVIT

- against -

JOHN WALLEN, individually and as District Principal of the Comsewogue School District, et al.,

Defendants

STATE OF NEW YORK)
) SS.:
COUNTY OF SUFFOLK)

FRANK D'ADDARIO, residing at 18 Starr Street, Port Jefferson Station, New York, being duly sworn, deposes and says:

1) I am one of the defendants herein and submit this affidavit in support of the application on behalf of all of the defendants to dismiss the complaint, or, in the alternative, for summary judgment.

2) I am presently a member of the Board of Education of the Brookhaven-Comsewogue Union Free School District, having assumed such office on July 1, 1972.

3) The matter involving GLADYS GENTILE first came to my attention on April 14, 1975, when, sitting in executive session, the Board was presented with certain charges preferred by JOHN W. WALLEN, the District Principal, against Robert Johnson, who at the time was Principal of Comsewogue Elementary School, in connection with the certification of certain documents that

purported to be evaluations of Mrs. Gentile.

4) The School District's attorney, FREDERIC BLOCK, ESQ., advised the Board that it was obligated by state law, and in particular §3020-a of the New York State Education Law, to determine whether probable cause existed for the bringing of formal charges against Mr. Johnson, a tenured employee of the District. Counsel further advised the Board that, upon a finding of probable cause, written notice of the charges must be served upon the employee, with copies being forwarded to the New York State Commissioner of Education.

5) Counsel, in addition, advised the Board that, in view of the sensitive nature of the allegations contained in the charges, and in view of the involvement of other District employees, all matters concerning the charges be kept strictly confidential, and that no comment or disclosure be made to anyone.

6) Again, on May 12, 1975, in private session, the Board considered an additional charge against Mr. Johnson and was similarly instructed by Mr. Block.

7) In each instance, the Board determined that probable cause existed for further proceedings against Mr. Johnson, and instructed the District Clerk to serve formal notice of charges upon him, in accordance with the law as described to the Board by counsel.

8) The Board's next involvement with the Johnson

matter commenced on October 21, 1975 with the receipt of the report of a three-member hearing panel and the transcript of the hearing upon the charges. The Board, in private session, considered the record of the hearing, along with the recommendation of the panel, and issued its written decision on November 20, 1975. Again, counsel for the District cautioned the Board to avoid disclosure of any information in connection with the Johnson charges.

9) The Board of Education first considered the status of GLADYS GENTILE at a private workshop session in mid-July, 1975. At that time the Board was presented with a letter from the District Superintendent recommending that tenure be denied to Mrs. Gentile. Mr. Block then advised the Board of the statutory procedures invoked by such a negative recommendation, and instructed the Board to make no disclosure of any nature concerning the circumstances of the recommendation. Such instructions were repeated prior to the public meeting on July 21, 1975.

10) The only action taken by the Board in public session was the vote upon the question of whether to accept the recommendation of the District Superintendent or to request that he reconsider. The Board voted unanimously to accept such recommendation after careful consideration of all relevant materials, including the written statement of Mrs. Gentile.

11) At no time during the course of the Board's involve-

ment with Johnson and Gentile, did I or any of my colleagues act other than in our official capacities as members of the Board of Education. Nor did we do anything other than discharge our duties as Board members in accordance with the rules and procedures outlined to us by counsel. At no time did I disclose any information relating to the Johnson or Gentile matters to the news media, to the public or to anyone else. Nor did I discuss either matter, other than in private session with my fellow Board members, as set forth above.

Frank D'Addario
FRANK D'ADDARIO

Sworn to before me this
13th day of July, 1976
Frederic Block
Notary Public

FREDERIC BLOCK
Notary Public, State of New York
Qualified in Suffolk County
No. 52-0322732
Commission Expires March 30, 1977

AFFIDAVIT OF PETER SAPIENZA

UNITED STATED DISTRICT COURT
EASTERN DISTRICT OF NEW YORK
---x
GLADYS GENTILE,
:
Plaintiff, : **AFFIDAVIT**
- against -
:
JOHN WALLEN, individually and as District
Principal of the Comsewogue School :
District, et al.,
:
Defendants
---x

STATE OF NEW YORK)
) SS.:
COUNTY OF SUFFOLK)

PETER SAPIENZA, residing at 138 Clinton Avenue, Terryville, New York, being duly sworn, deposes and says:

1) I am one of the defendants herein and submit this affidavit in support of the application on behalf of all of the defendants to dismiss the complaint, or, in the alternative, for summary judgment.

2) I am presently a member of the Board of Education of the Brookhaven-Comsewogue Union Free School District, having assumed such office on July 1, 1974.

3) The matter involving GLADYS GENTILE first came to my attention on April 14, 1975, when, sitting in executive session, the Board was presented with certain charges preferred by JOHN W. WALLEN, the District Principal, against Robert Johnson, who at the time was Principal of Comsewogue Elementary School, in connection with the certification of certain documents that

purported to be evaluations of Mrs. Gentile.

4) The School District's attorney, FREDERIC BLOCK, ESQ., advised the Board that it was obligated by state law, and in particular §3020-a of the New York State Education Law, to determine whether probable cause existed for the bringing of formal charges against Mr. Johnson, a tenured employee of the District. Counsel further advised the Board that, upon a finding of probable cause, written notice of the charges must be served upon the employee, with copies being forwarded to the New York State Commissioner of Education.

5) Counsel, in addition, advised the Board that, in view of the sensitive nature of the allegations contained in the charges, and in view of the involvement of other District employees, all matters concerning the charges be kept strictly confidential, and that no comment or disclosure be made to anyone.

6) Again, on May 12, 1975, in private session, the Board considered an additional charge against Mr. Johnson and was similarly instructed by Mr. Block.

7) In each instance, the Board determined that probable cause existed for further proceedings against Mr. Johnson, and instructed the District Clerk to serve formal notice of charges upon him, in accordance with the law as described to the Board by counsel.

8) The Board's next involvement with the Johnson

matter commenced on October 21, 1975 with the receipt of the report of a three-member hearing panel and the transcript of the hearing upon the charges. The Board, in private session, considered the record of the hearing, along with the recommendation of the panel, and issued its written decision on November 20, 1975. Again, counsel for the District cautioned the Board to avoid disclosure of any information in connection with the Johnson charges.

9) I was not in attendance at the meeting of the Board of Education on July 21, 1975, at which the recommendation of the District Superintendent as to the status of GLADYS GENTILE was accepted by the Board. I do, however, recall being in attendance at a private meeting of the Board, prior to July 21, 1975, at which the Board was advised by the School District's attorney, FREDERIC BLOCK, ESQ., as to the law applicable to the granting or denial of tenure, and at which the Board was instructed by Mr. Block to keep all information and materials concerning the Gentile matter strictly confidential, and to refrain from making disclosures of any nature.

10) At no time during the course of the Board's involvement with Johnson and Gentile, did I or any of my colleagues act other than in our official capacities as members of the Board

of Education. Nor did we do anything other than discharge our duties as Board members in accordance with the rules and procedures outlined to us by counsel. At no time did I disclose any information relating to the Johnson or Gentile matters to the news media, to the public or to anyone else. Nor did I discuss either matter, other than in private session with my fellow Board members, as set forth above.

Peter Sapienza

PETER SAPIENZA

Sworn to before me this

13th day of July, 1976

Notary Public

FREDERIC BLOCK
Notary Public, State of New York
Qualified in Suffolk County
No. 52-0322732
Commission Expires March 30, 19 77

AFFIDAVIT OF ROSELLA DREYER

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK
---x
GLADYS GENTILE,
:
Plaintiff, : **AFFIDAVIT**
:
- against -
:
JOHN WALLEN, individually and as District
Principal of the Comsewogue School :
District, et al.,
:
Defendants
---x

STATE OF NEW YORK)
) SS.:
COUNTY OF SUFFOLK)

ROSELLA DREYER, residing at 31 Colony Road, Port Jefferson Station, New York, being duly sworn, deposes and says:

1) I am one of the defendants herein and submit this affidavit in support of the application on behalf of all of the defendants to dismiss the complaint, or, in the alternative, for summary judgment.

2) I am presently a member of the Board of Education of the Brookhaven-Comsewogue Union Free School District, having assumed such office on July 1, 1975.

3) I first learned of the Gentile matter at a workshop meeting of the Board of Education during the middle part of July, 1975. Such meeting was conducted in private at the School District office.

4) At such meeting, the School District's attorney, FREDERIC BLOCK, ESQ., advised the members of the Board of the rules and procedures applicable to the granting or denial of tenure and, in particular, the procedures that are pertinent when a negative tenure recommendation is made by the District Superintendent, as in the case of GLADYS GENTILE. Mr. Block then instructed us that we were prohibited by law from disclosing to any members of the public any material or information given to us for our consideration in connection with the Gentile matter, and that our discussions and deliberations must be kept in strictest confidence.

5) At the Board meeting of July 21, 1975, in executive session prior to the public meeting, Mr. Block again instructed us to say nothing of the Gentile matter to anyone. At the public meeting, Mr. Block advised the members of the public in attendance as to the applicable procedures under §3031 of the New York State Education Law. Then, after receiving petitions and hearing statements from the public, the Board retired to executive session.

6) Mr. Block advised us that, pursuant to statute, we as Board members were obligated to either accept the negative recommendation of the District Superintendent or request that the District Superintendent reconsider his recommendation. We

then examined all of the records and materials, including the lengthy letter from Mrs. Gentile.

7) We then returned to public session and unanimously voted to accept the recommendation of the District Superintendent.

8) The foregoing is the total extent of my involvement in this matter, and to my knowledge, the total extent of the involvement of my fellow Board members. At no time did I act other than in my official capacity as a member of the Board of Education in the discharge of my duties as described to me by counsel. (At no time did I disclose any information relating to the Gentile matter to the news media, to the public or to anyone else.) At no time did I discuss the Gentile matter other than in private session with my fellow Board members, as set forth above.

Rosella Dreyer
ROSELLA DREYER

Sworn to before me this
13th day of July, 1976

Tina Farrell
Notary Public

TINA FARRELL
NOTARY PUBLIC, State of New York
Qualified in Suffolk County
No. 52-1167687
Commission Expires March 30, 1977

AFFIDAVIT OF ARTHUR HOWARD

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK
---x
GLADYS GENTILE,
:
Plaintiff, : **AFFIDAVIT**
:
- against -
:
JOHN WALLEN, individually and as District
Principal of the Comsewogue School :
District, et al.,
:
Defendants
---x

STATE OF NEW YORK)
) SS.:
COUNTY OF SUFFOLK)

ARTHUR HOWARD, residing at 58 John Street, Port Jefferson Station, New York, being duly sworn, deposes and says:

1) I am one of the defendants herein and submit this affidavit in support of the application on behalf of all of the defendants to dismiss the complaint, or, in the alternative, for summary judgment.

2) I am presently a member of the Board of Education of the Brookhaven-Comsewogue Union Free School District, having assumed such office on July 1, 1974.

3) The matter involving GLADYS GENTILE first came to my attention on April 14, 1975, when, sitting in executive session, the Board was presented with certain charges preferred by JOHN W. WALLEN, the District Principal, against Robert Johnson, who at the time was Principal of Comsewogue Elementary School, in connection with the certification of certain documents that

purported to be evaluations of Mrs. Gentile.

4) The School District's attorney, FREDERIC BLOCK, ESQ., advised the Board that it was obligated by state law, and in particular §3020-a of the New York State Education Law, to determine whether probable cause existed for the bringing of formal charges against Mr. Johnson, a tenured employee of the District. Counsel further advised the Board that, upon a finding of probable cause, written notice of the charges must be served upon the employee, with copies being forwarded to the New York State Commissioner of Education.

5) Counsel, in addition, advised the Board that, in view of the sensitive nature of the allegations contained in the charges, and in view of the involvement of other District employees, all matters concerning the charges be kept strictly confidential, and that no comment or disclosure be made to anyone.

6) Again, on May 12, 1975, in private session, the Board considered an additional charge against Mr. Johnson and was similarly instructed by Mr. Block.

7) In each instance, the Board determined that probable cause existed for further proceedings against Mr. Johnson, and instructed the District Clerk to serve formal notice of charges upon him, in accordance with the law as described to the Board by counsel.

8) The Board's next involvement with the Johnson

matter commenced on October 21, 1975 with the receipt of the report of a three-member hearing panel and the transcript of the hearing upon the charges. The Board, in private session, considered the record of the hearing, along with the recommendation of the panel, and issued its written decision on November 20, 1975. Again, counsel for the District cautioned the Board to avoid disclosure of any information in connection with the Johnson charges.

9) The Board of Education first considered the status of GLADYS GENTILE at a private workshop session in mid-July, 1975. At that time the Board was presented with a letter from the District Superintendent recommending that tenure be denied to Mrs. Gentile. Mr. Block then advised the Board of the statutory procedures invoked by such a negative recommendation, and instructed the Board to make no disclosure of any nature concerning the circumstances of the recommendation. Such instructions were repeated prior to the public meeting on July 21, 1975.

10) The only action taken by the Board in public session was the vote upon the question of whether to accept the recommendation of the District Superintendent or to request that he reconsider. The Board voted unanimously to accept such recommendation after careful consideration of all relevant materials, including the written statement of Mrs. Gentile.

11) At no time during the course of the Board's involvement with Johnson and Gentile, did I or any of my colleagues act other than in our official capacities as members of the Board of Education. Nor did we do anything other than discharge our duties as Board members in accordance with the rules and procedures outlined to us by counsel. At no time did I disclose any information relating to the Johnson or Gentile matters to the news media, to the public or to anyone else. Nor did I discuss either matter, other than in private session with my fellow Board members, as set forth above.

Arthur S. Howard
ARTHUR HOWARD

Sworn to before me this
14th day of July, 1976.

Notary Public

JOEL MARKOWITZ
NOTARY PUBLIC, State of New York
Qualified in Suffolk County
No. 52-4520914
Commission Expires March 30, 1977

AFFIDAVIT OF JEROME FLESCHER

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK
--x
GLADYS GENTILE,
:
Plaintiff, : **AFFIDAVIT**
:
- against -
:
JOHN WALLEN, individually and as District Principal of the Comsewogue School District, et al., :
:
Defendants
--x

STATE OF NEW YORK)
) SS.:
COUNTY OF SUFFOLK)

JEROME FLESCHER, residing at 17 Jean Avenue, Port Jefferson Station, New York, being duly sworn, deposes and says:

1) I am one of the defendants herein and submit this affidavit in support of the application on behalf of all of the defendants to dismiss the complaint, or, in the alternative, for summary judgment.

2) I was a member of the Board of Education of the Brookhaven-Comsewogue Union Free School District between July 1, 1973 and June 30, 1976.

3) The matter involving GLADYS GENTILE first came to my attention on April 14, 1975, when, sitting in executive session, the Board was presented with certain charges preferred by JOHN W. WALLEN, the District Principal, against Robert Johnson,

who at the time was Principal of Comsewogue Elementary School, in connection with the certification of certain documents that purported to be evaluations of Mrs. Gentile.

4) The School District's attorney, FREDERIC BLOCK, ESQ., advised the Board that it was obligated by state law, and in particular §3020-a of the New York State Education Law, to determine whether probable cause existed for the bringing of formal charges against Mr. Johnson, a tenured employee of the District. Counsel further advised the Board that, upon a finding of probable cause, written notice of the charges must be served upon the employee, with copies being forwarded to the New York State Commissioner of Education.

5) Counsel, in addition, advised the Board that, in view of the sensitive nature of the allegations contained in the charges, and in view of the involvement of other District employees, all matters concerning the charges be kept strictly confidential, and that no comment or disclosure be made to anyone.

6) Again, on May 12, 1975, in private session, the Board considered an additional charge against Mr. Johnson and was similarly instructed by Mr. Block.

7) In each instance, the Board determined that probable cause existed for further proceedings against Mr. Johnson, and instructed the District Clerk to serve formal notice of charges

upon him, in accordance with the law as described to the Board by counsel.

8) The Board's next involvement with the Johnson matter commenced on October 21, 1975 with the receipt of the report of a three-member hearing panel and the transcript of the hearing upon the charges. The Board, in private session, considered the record of the hearing, along with the recommendation of the panel, and issued its written decision on November 20, 1975. Again, counsel for the District cautioned the Board to avoid disclosure of any information in connection with the Johnson charges.

9) The Board of Education first considered the status of GLADYS GENTILE at a private workshop session in mid-July, 1975. At that time the Board was presented with a letter from the District Superintendent recommending that tenure be denied to Mrs. Gentile. Mr. Block then advised the Board of the statutory procedures invoked by such a negative recommendation, and instructed the Board to make no disclosure of any nature concerning the circumstances of the recommendation. Such instructions were repeated prior to the public meeting on July 21, 1975.

10) The only action taken by the Board in public session was the vote upon the question of whether to accept the recommendation of the District Superintendent or to request that

he reconsider. The Board voted unanimously to accept such recommendation after careful consideration of all relevant materials, including the written statement of Mrs. Gentile.

11) At no time during the course of the Board's involvement with Johnson and Gentile, did I or any of my colleagues act other than in our official capacities as members of the Board of Education. Nor did we do anything other than discharge our duties as Board members in accordance with the rules and procedures outlined to us by counsel. At no time did I disclose any information relating to the Johnson or Gentile matters to the news media, to the public or to anyone else. Nor did I discuss either matter, other than in private session with my fellow Board members, as set forth above.

Jerome Flescher
JEROME FLESCHER

Sworn to before me this
14th day of July, 1976
Frederic Block
Notary Public

FREDERIC BLOCK
Notary Public, State of New York
Qualified in Suffolk County
No. 52-0322732
Commission Expires March 30, 1977

Supplemental Affidavit

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

GLADYS GENTILE,
Plaintiff,
-against-
JOHN WALLEN, et al.,
Defendants.

76C911

SUPPLEMENTAL AFFIDAVIT

GLADYS GENTILE being duly sworn deposes and says that:

1. She is the plaintiff in this action and makes this affidavit to further supplement the facts already before the Court, and, in addition, to reply to defendants' contentions.

2. In paragraph "29", defendant Wallen contends as follows:

> At no time during the lengthy period in which I was involved in the Gentile matter, did I make or permit disclosure of any kind of the ingredient circumstances to the public, the press, prospective employers or anyone else.

3. This same claim is repeated, almost verbatim, in the reply affidavits of the other defendants herein (See paragraph "12" Hines affidavit; paragraph "11", affidavit of D'Addario; paragraph "10" of Sapienza affidavit; paragraph "8", Dreyer affidavit; paragraph "11" of Howard affidavit; paragraph "11" of Flescher affidavit).

4. In early August, 1975, your deponent had applied for unemployment compensation.

5. Mr. Hubbard, Treasurer of the defendant Board of Education and defendants' agent and employee informed the New York State Department of Labor, Unemployment Insurance Division that your deponent had been "discharged for misconduct in connection with your employment." Mr. Hubbard said "you made misrepresentations on teacher evaluation forms." (Exhibit A annexed hereto.)

6. On or about July 21, 1976, your deponent met with one Edris Clarke, a former member of the defendant Board of Education. She executed a typed and handwritten statement annexed as Exhibit B.

7. Ms. Clarke indicates that your deponent's termination was based on Wallen's desire to terminate Johnson.

8. She also states that she cannot remember any specific warning from any of defendants or their counsel to the effect that your deponent's termination should not be discussed and in fact Ms. Clarke had several discussions about the matter with one Waldemar Sills, a defendant herein, who was not a Board member at the time.

9. Clearly, the contentions raised in defendants' affidavits are inaccurate. If revelation of defendants' underlying reasons for my termination were revealed in

instances which your deponent has been able to uncover, then it is probable that additional disclosures have been made.

10. On January 20, 1976, I interviewed for a teaching position with Miller Place Schools with the Superintendent, Mr. Tobin.

11. After chatting for some thirty minutes or so Mr. Tobin asked your deponent if she was involved in the Johnson case in Comsewogue and if the reason for my non-reappointment was because I was accused of collusion in the preparation of teacher evaluation forms.

12. At no time during the interview did your deponent raise this issue or provide Mr. Tobin with any information about the matters surrounding this controversy. The questions that Mr. Tobin asked were based solely on knowledge that he possessed about your deponent through sources other than your deponent.

13. Defendants claim that your deponent precipitated the publication of the reasons for my termination by submitting requests for said reasons pursuant to §3031 of the Education Law.

14. Your deponent never publicized the reasons for termination offered in those letters.

15. Defendant Hines claims that he conducted a hearing in his office (paragraph "5" of Hines affidavit).

16. This is simply not so.

17. A meeting was held in which your deponent and her union representatives attempted to persuade defendant Hines to reject defendant Wallen's recommendation for her termination and to recommend her for tenure to defendant Board.

18. Your deponent was never charged with the particulars of her alleged misconduct, never had the opportunity to confront her accusers, and never had the chance to present her case before a neutral impartial factfinder. In short, no hearing of any sort was ever conducted by defendants.

19. Defendants further claim that your deponent's cause of action for reinstatement as a tenured employee based on their denial of maternity leave for her adoption of a baby is untimely and that, in any event, your deponent has conducted herself as a probationer.

20. Your deponent would point out that prior to defendant's termination of her without a due process hearing she suffered no prejudice by defendants' claimed denial of tenured status, as she was compensated on the salary schedule for her years of service in the District.

21. In fact, your deponent spoke with her supervisor, Johnson, sometime after her reappointment in September 1972

and he told her: "Gladys, don't rock the boat. Just do your job and stay out of trouble."

WHEREFORE your deponent respectfully requests that this Court grant her application for a preliminary injunction and deny defendants' cross-motions and provide her with such other and further relief that to the Court may seem just and proper together with costs and attorneys' fees.

GLADYS GENTILE

Sworn to before me this

day of August, 1976

Exhibit A, Annexed to
Supplemental Affidavit

Notice of Determination
of Unemployment Claim
of Gladys Gentile

NEW YORK STATE DEPARTMENT OF LABOR
Unemployment Insurance Division

NOTICE OF DETERMINATION TO CLAIMANT

Local Office Address [illegible]

Gladys Gentile
102 Jefferson Ave.
Port Jefferson N.Y. 11777

☐ Given
☒ Mailed } Date 8-5-75

131-28-3957
S.S. Acct. No.

No unemployment insurance benefits can be paid to you for the period beginning 7-1-75 until you have subsequently worked for an employer not less than 3 days in each of 4 weeks *or* earned at least $200. Self-employment and earnings from self-employment will not count.

DETERMINATION You were discharged for misconduct in connection with your employment

REASON This determination is based on the following: Mr. Hubbard of your employer says you made mis-representations on teacher evaluation forms

RENEWING YOUR CLAIM If you are satisfied that this determination is correct, you may apply to renew your claim by reporting to this local office if you are unemployed and believe that you have satisfied the above requirement of subsequent work or earnings.

RIGHT TO A HEARING IF YOU ARE NOT SATISFIED WITH THIS DETERMINATION, YOU MAY ASK FOR A HEARING BEFORE AN IMPARTIAL REFEREE AT NO COST OR OBLIGATION TO YOU.

REQUEST FOR HEARING HOWEVER, YOUR REQUEST MUST BE MADE IN PERSON OR BY MAIL AT THIS LOCAL OFFICE NOT LATER THAN 30 DAYS FROM THE DATE OF THIS NOTICE.

When requesting a hearing, be sure to bring your Insurance Book, Calendar Insert and Claim Card, if issued. If you request a hearing by mail, enclose them with your request.

REPORTING If you ask for a hearing, continue to report to your insurance and employment offices on your assigned days as long as you remain unemployed. This will protect your rights to any benefits you claim.

FOR THE INDUSTRIAL COMMISSIONER

By

Exhibit A

BEST COPY AVAILABLE

102 Jefferson Ave.
Port Jefferson, N. Y. 11777
August 11, 1975

N. Y. S. Department of Labor
Unemployment Insurance Division
Local Office 67
55 Medofrd Avenue
Patchogue, N. Y. 11772

Attention: Supervisor of Claims

Dear Sir:

I hereby make a formal request for a hearing regarding your office's determination that I am ineligable for unemployment benefits based on the information given by Comsewogue School District, 400 Jayne Blvd., Port Jefferson Station, N. Y. 11776, to your office.

Your immediate reply is requested.

Yours truly,

Gladys Gentile

NEW YORK STATE DEPARTMENT OF LABOR
UNEMPLOYMENT INSURANCE DIVISION

LOCAL OFFICE 67
55 MEDFORD AVENUE
PATCHOGUE, N. Y. 11772
LOCAL OFFICE ADDRESS

Gladys Gentile
102 Jefferson Ave.
Port Jefferson N.Y. 11777

Date 8-20-75

S.S.A. No. 131-28-3957

In connection with your claim for unemployment insurance benefits, please refer to the box(es) checked below:

☑ 1. The determination dated 8-5-75 disqualifying you from benefits is withdrawn.

☐ 2. The determination dated ____________ stating you are ineligible for unemployment insurance benefits because ____________ is withdrawn. The other determinations issued on that date remain in effect.

☐ 3. Further investigation is being made. A disqualifying determination may be re-issued if the results of the investigation warrant it.

☐ 4. Please report to this office at your earliest convenience between 8:45 A.M. and 4:00 P.M. to receive benefit credit due you. Bring this letter, your Insurance Book, Calendar Insert, and Claim Card if you have one.

☐ 5. Please complete the enclosed claim form and return it with your Insurance Book, Calendar Insert and Claim Card if you have one.

☑ 6. A benefit check for $475.00 has been authorized and will be mailed to you shortly. FOR WEEKS ENDING 7-20, 7-27, 8-10, 8-17, 8-24-75.

FOR THE INDUSTRIAL COMMISSIONER

By: ____________

Exhibit B, Annexed to
Supplemental Affidavit

Typed and Handwritten Statement
of Edris Clark

STATEMENT of Edris ~~EDIRS~~ CLARK

(1) At ~~the~~ workshop meeting of the Comsewogue Board of Education for the purpose of reviewing tenure recommendations, ~~at which time~~ Mr. Wallen then presented ~~to~~ us ~~the~~ with sets of teacher evaluations of Gladys Gentile done by Mr. Johnson. Wallen indicated that his suspicions were raised by the fact that three of the evaluations included all the carbon copies still attached. It was pointed out that Mrs. Gentile had signed all of these forms, and that the date next to her signature was the same date as that next to Johnson's signature (see attached). ~~on [illegible] examined the dates carefully for handwriting.~~ I ~~had~~ asked if there was anyone that ~~he~~ (Mr. Wallen) was not going to "recommend" for tenure. ~~at which time~~ He said yes, "Mrs. Gentile." ~~Then he presented the above mentioned evaluation forms.~~ It appeared to me at that time ~~was clear~~ that the implication was that Johnson and Gentile were jointly involved in the improper execution of these forms. I got the feeling ~~It was strongly inferred that these observations never took place and indeed that the forms were very hurriedly executed, apparently at one and the same time.~~ Sometime during the ensuing discussion I remarked ~~I said at the time,~~ "Is Mrs. Gentile ~~here comes~~ the sacrificial lamb?" ~~The real reason that this issue of these misdated forms was raised being that the Board wanted to get rid of Johnson because of his drinking, which they couldn't~~

Exhibit B

~~prove; the fact that he was never at school when he was supposed to be, and because of the money issue of his high salary.~~ It was very obvious, to me, at this meeting and subsequent meetings ~~when~~ relating to this matter ~~was discussed~~ that there would be no case against Johnson if Mrs. Gentile was recommended for tenure. The question was raised as to how to ~~press~~ bring 3020-a charges against Johnson and not fire Mrs. Gentile. Her length of service, as indicated by her salary step (7), was discussed, as well as her loyalty to the district. ~~However, it was clear to everyone~~ ~~me~~ It appeared that the misdated evaluation forms issued ~~was~~ were inextricably tied to both Johnson and Gentile, therefore it was totally impossible to recommend Mrs. Gentile for tenure while concurrently filing charges against Johnson, ~~on the grounds we had.~~

~~The Board was then told that the dates on the same of the Johnson/Gentile evaluations~~ July 21, 1976

~~In fact, I don't recall anyone other than myself attempting to question John Wallen about denying Mrs. Gentile tenure.~~ The situation was generally understood as a whole, involving the two parties, Gentile and Johnson, equally. ~~Although Fred Block, the school District Attorney was available to Board members at the meetings, no questions were directed to him regarding this issue.~~ I cannot remember any specific warning from anyone to the effect that this matter should outside not be discussed. I can recall discussing the situation as a whole several times with Wally Sill, a former Board member. It was a confidential matter that I felt I could discuss with Wally, as he had been a Board member for many past years and had a particular interest in ~~it.~~ the matter This was during the interim between April and the end of my term, June 30th, 1975 as well as later. . Although we had seen the originals on the first three or four sets of evaluations the additional ones shown ~~to us~~ at a date later were only copies, ~~which provided the basis of the Boards charges against Johnson and as such voted on by the Board.~~

Upon observing the 'copies' I specifically asked the school attorney if they had been date stamped. He replied that the copies did not bear such a stamp.

Edris Clarke

July 21 1976 EG

A The Board was then advised that some of the evaluations were dated on days school was not in session, i.e. - election day Saturday which, according to the Attorney, was a very serious offense.

July 21 1976 G.G.

Memorandum and Order of Pratt, J.

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK
- x
GLADYS GENTILE,
DOCKET NO. 76 C 911
Plaintiff,

- against -

JOSEPH WALLEN, et al.,
MEMORANDUM AND ORDER

Defendants.
- x

PRATT, J:

Predicating jurisdiction on 42 USC §§ 1981, 1983 and 1985 via 28 USC §§ 1343(3) and (4) and upon the fourteenth amendment itself via 28 USC §1331(a), plaintiff seeks declaratory, injunctive, and monetary relief for the alleged violation of her constitutional right to a teaching position in the Comsewogue School District. The complaint enumerates eleven counts of allegedly unlawful activity which seek relief for incidents occurring from 1965 through 1975. It is asserted against the Board of Education of the Comsewogue School District, as well as, in both their official and individual capacities, the 1970 members of the board, the 1975 members of the board, the district principal, and the district superintendent.

Plaintiff has moved for a preliminary injunction ordering her reinstatement. Defendants have cross-moved to dismiss the complaint and, alternatively, for summary judgment. Before discussing the specific claims of the parties, a brief statement of the circumstances on which they are based is appropriate.

I.

The complaint alleges that after having been granted tenure as a kindergarten teacher in 1965, plaintiff resigned in 1967 because the board refused to continue a personal leave of absence granted to her in 1966; that she was rehired in 1968, worked until 1970, and resigned when the board failed to grant her request for maternity leave to care for a child which she and her husband were adopting; that she was rehired by the district as a second grade teacher in 1972 and served uneventfully until March 21, 1975 when she was summoned to the office of the district principal.

On March 20, 1975 plaintiff, a probationary teacher, had met with her building principal, Mr. Johnson, and was told that recommendations concerning plaintiff's appointment to tenure were due in the district principal's office the following morning. Plaintiff was also told by Johnson that he had found it necessary to retype three of her earlier teaching observations made by him. He asked plaintiff to execute the retyped verions and she agreed.

On March 21 and 24, 1975, however, the district principal confronted the plaintiff with the fact that her evaluations and observations could not have transpired on the dates subscribed to by both her and Johnson on the forms, since one form was dated April 20, 1975, a date in the future, others were dated when either Johnson or the plaintiff had been absent from school and, in one case, the teaching evaluations and observation were purportedly made on a Saturday.

By letter dated April 1, 1975 plaintiff was informed by the district principal that she would not be recommended for tenure and, in response to plaintiff's request, he set forth the reasons for this decision in a letter dated April 10, 1975. After recounting the incident with Johnson over the observations and evaluations, this April 10 letter advised that the incident "caus[ed] me to believe that your competency as a classroom teacher would be questionable in light of the deceptive practices you had become a party to. * * * I felt that the seriousness of the acts you committed were of such a magnitude that I could not, in all good conscience, recommend you for tenure."

By letter dated June 3, 1975 the district superintendent similarly informed Mrs. Gentile that he would not recommend her for tenure and, in response to plaintiff's request and pursuant to NY Educ. Law §3031, forwarded to her a letter dated June 11, 1975 stating that the reasons for his recommendation paralleled those of the district principal. On July 21, 1975 the board unanimously accepted the superintendent's recommendation to deny plaintiff's appointment to tenure.

Charges were preferred against Johnson, the building principal, on April 14 and May 12, 1975 based, inter alia, on the evaluation and observation incident with plaintiff. A tenure panel designated pursuant to §3020-a of NY Educ. Law to hear the charges against Johnson rendered a unanimous decision on September 12, 1975 recommending his dismissal as a building principal. The Board of Education rendered a written decision, as required by law, on November 20, 1975 whereby it concurred in the panel's findings and recommendations. Johnson was subsequently demoted and reassigned to another part of the district.

Plaintiff claims to have been deprived of both her property and liberty interests without due process of law. The claim that plaintiff was denied her property interests without due process of law (Count II), however, and her related assertions of tenured status (Counts III, IV and V) are without merit.

The alleged deprivation of her property rights clearly depends on whether she was in fact a tenured teacher at the time of her discharge in 1975, Lombard v. Board of Education, 502 F2d 631, 637 (CA2 1974); Canty v. Board of Education, 470 F2d 1111 (CA2 1972), cert. denied, 412 US 907 (1973); Board of Regents v. Roth, 408 US 564 (1972); Perry v. Sindermann, 408 US 593 (1972), and, as appears below, plaintiff did not enjoy tenure at that time.

"Since property interests are not created by the Constitution", Board of Regents v. Roth, supra, 408 US at 577, tenure as a property right must be decided by state law. Bishop v. Wood, 96 SCt 2074, 2077-78. Based on the undisputed facts, this court concludes as follows:

(1) Although she received tenure in 1965, plaintiff's resignation in 1967 operated as a forfeiture of her tenure rights, and plaintiff was properly rehired in 1968 as a probationary teacher. Matter of Schultz, 11 Educ Dept Rep 224 (1972).

(2) Plaintiff was not wrongfully denied maternity leave in 1970 (Count III), and her subsequent resig-

nation and reemployment in 1972 properly returned her to probationary status. Matter of Schultz, supra. Even if the denial of maternity leave was arguably wrongful, it is too late for plaintiff now to challenge that action by a municipal board which was reviewable at the time either by administrative appeal to the Commissioner of Education, NY Educ Law §310, or by Article 78 of New York's CPLR. Moreover, it was not until 1974 that the Supreme Court even considered the issue of maternity leave policies, and then only in the context of addressing itself to the constitutionality of mandated maternity leaves. Cleveland Board of Education v. LaFleur, 414 US 632 (1974). It is far from clear even today, let alone in 1970, that the Supreme Court would constitutionally mandate a leave for an adoption, cf. Shirley v. Board of Education, 521 F2d 1329 (CA6 1975); Hutchison v. Lake Oswego School District, 519 F2d 961 (CA9 1975), since LaFleur was concerned not with pregnancy itself but with the disemployment of physically healthy teachers who happen also to be pregnant, a factor which is not at all related to a teacher's desire to adopt a child.

(3) Plaintiff did not acquire tenure by estoppel (Count IV) since plaintiff never rendered teaching services after the expiration of her probationary period. Mugavin v. Nyquist, 48 App Div 2d 727 (1975); Matter of Greebel, 14 Educ Dept Rep 305 (1975).

(4) Plaintiff did not acquire tenure by contractual default (Count V) pursuant to article IV (B) of the collective bargaining agreement since this provision was declared void in Brookhaven-Comsequogue School District v. Port Jefferson Station Teacher's Association, Index No. 75-7027 (Supreme Court, Suffolk County, August 29, 1975), affirmed on December 13, 1976 by the Appellate Division, Second Department (No. 2188E).

In short, since plaintiff never reacquired tenure after her resignation in 1967, she has not been denied any property interest. Accordingly, defendant's motion for summary judgment directed against Counts II, III, IV, and V is granted.

Plaintiff's claim that she was deprived of her liberty interest without due process of law (Count I) is equally without merit. Not only was she not stigmatized by the board's act in terminating her, but she was also afforded due process protection.

In Board of Regents v. Roth, 408 US 564, 573 (1972) the Supreme Court declared that an actionable liberty claim may lie when, in declining to rehire an employee, the employer makes a charge that "might seriously damage [plaintiff's] standings and associations in [her] community", or "imposed on [plaintiff] a stigma or other disability that foreclosed [her] freedom to take advantage of other employment opportunities." "In such a case," the Court concluded, "due process would afford an opportunity to refute the charge * * *." Id. Accord, Perry v. Sindermann, 408 US 593 (1972). Commenting upon Roth and Perry, the Second Circuit has observed:

> These cases teach that when either a deprivation of a property interest such as in a permanent job, or a deprivation of liberty, such as a stigma that operates to foreclose other employment opportunities, result from the decision to discharge, due process requires that notice of the charges and a hearing must be granted to the dischargee.
> Velger v. Cawley, 525 F2d 334, 336 (CA2 1975).

In advancing her liberty interest claim, plaintiff has failed to recognize that termination for potentially stigmatizing reasons does not necessarily mean that the termination actually inflicted a stigma. See Bishop v. Wood, 96 SCt 2074 (1976); Paul v. Davis, 424 US 693 (1976). In Bishop v. Wood, supra, the Supreme Court concluded that a police officer's dismissal for "stigmatizing" reasons did not violate his liberty interest. It reasoned:

> In this case the asserted reasons for the City Manager's decision were communicated orally to the petitioner in private and also were stated in writing in answer to interrogatories after this litigation commenced. Since the former communication was not made public, it cannot properly form the basis for a claim that his "good name, reputation, honesty, or integrity" was thereby impaired. And since the latter communication was made in the course of a judicial proceeding which did not commence until after the petitioner had suffered the injury for which he seeks redress, it surely cannot provide retroactive support for his claim. A contrary evaluation of either explanation would penalize forthright and truthful communication between employer and employee in the former instance, and between litigants in the latter.
> 96 SCt at 2079-80.

Applying these principles to the instant case, the instances of alleged publication referred to by the plaintiff do not support her claim of deprivation of a liberty interest. Cf. Hostrop v. Board of Junior College District No. 515, 523 F2d 569 (CA7 1975); Weathers v. West Yuma County School District, 387 F Supp 552 (D Col 1974). Between shortly before April 3, 1975, the date on which plaintiff was informed she would not be recommended for tenure, and June 11, 1975, the date on which the second letter giving the reasons for the recommendation was mailed, the alleged defamatory charges were discussed with the district principal and the district superintendent in the privacy of their own offices and any "publication" of the charges here was made at plaintiff's specific request and pursuant to law, and even then only in letter form addressed to the plaintiff.

True, there were charges brought against Johnson, the building principal, in April and May of 1975 for the same acts of which plaintiff was "accused". There is no allegation, however, that defamatory statements were publicly leveled against the plaintiff at that time other than that included in the charges brought against Johnson was reference to the incident with Mrs. Gentile. Moreover, plaintiff cannot support her claim of stigma by pointing to an independent, lawful proceeding brought against Johnson when, but for the coincidence that plaintiff herself was in the process of being terminated, there would be no actionable liberty interest claim. *Cf.* *Paul v. Davis*, *supra*; *Bishop v. Wood*, *supra*.

In support of her claim plaintiff also alleges that in July or August of 1975 she was denied unemployment compensation because the defendants informed the State Division of Employment that she had been terminated for cause. Yet, there is no indication that defendants informed anyone other than this duly authorized state agency which was charged with obtaining such information; the communication occurred after plaintiff had been terminated in accordance with due process; and plaintiff was in no way prejudiced since she subsequently was found eligible for unemployment compensation.

On April 14, 1975 plaintiff herself drew attention to the controversy by filing a grievance; defendants' response, especially the ensuing court action, is not cognizable as stigmatizing. *See* *Bishop v. Wood*, *supra*, 96 SCt at

2079-80. On May 8, 1975 it was the plaintiff who garnered the support of a parents' committee to pressure the district superintendent. It was the plaintiff who sought the intervention of her union, and she ignores the possibility that it was the union and not the defendants who may have publicized the removal.

In sum, there is insufficient indication that the defendants caused the plaintiff to suffer any stigmatizing deprivation of her liberty interest.

IV.

Perhaps even more significant, however, is the fact that, even assuming arguendo that plaintiff was stigmatized, she still was afforded due process in the course of her termination. The Constitution prohibits deprivation of liberty and property without "due process of law", not without an "impartial evidentiary hearing" as plaintiff contends. Due process need not stand on such a pinnacle, since "[t]he judicial model of an evidentiary hearing is neither required, nor even the most effective, method of decision making in all circumstances." Mathews v. Eldridge, 424 US 319, 348 (1976).

Nonetheless, plaintiff was given notice of the charges against her and afforded an opportunity to be heard. Indeed, plaintiff took advantage of every element of the due process which was available to her -- in the offices of the district principal and district superintendent, in the grievance procedures, in the state courts, and before the Board of Education. In sum, plaintiff was presented with "a meaningful opportunity to present [her] case", Mathews v. Eldridge, supra, 424 US at 349, when she received timely notice of the reasons for her discharge, when she presented evidence on her behalf, and when she and her supporters were heard at an open meeting of the Board of Education. Accordingly, defendant's motion for summary judgment addressed to Count I of the complaint is granted since the plaintiff has not been deprived of any liberty interest without due process of law.

V.

Since, for the reasons set forth above, the defendants have not violated plaintiff's constitutional rights, Counts VI, VII, and VIII are dismissed; they do no more than seek money damages and alternative relief for the alleged constitutional deprivations. Counts IX, X, and XI state nonfederal causes of action which need not be retained via pendent jurisdiction and are also dismissed.

SO ORDERED.

Dated: Brooklyn, New York
December 22, 1976

GEORGE C. PRATT
U. S. DISTRICT JUDGE

Notice of Appeal

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NEW YORK

GLADYS GENTILE,

Plaintiff,

-against-

JOHN WALLEN, individually and as District Principal of the Comsewogue School District, JAMES HINES, individually and as Superintendent of Schools of Supervisory District #2, Town of Brookhaven, BOARD OF EDUCATION, COMSEWOGUE SCHOOL DISTRICT, FRANK D'ADDARIO, individually and as a member of the Board of Education, JEROME FLESCHER, individually and as a member of the Board of Education, ARTHUR S. HOWARD, individually and as a member of the Board of Education, PETER SAPIENZA, individually and as a member of the Board of Education, LEWIS WEINERMAN, individually and as a member of the Board of Education, PAUL S. ALLEN, individually and as a member of the Board of Education, ROSELLA DREYER, individually and as a member of the Board of Education, WALDEMAR SILLS, individually and as a member of the Board of Education, STUART PORTER, JR., individually and as a member of the Board of Education, JOSEPH BUSA, individually and as a member of the Board of Education, LAWRENCE PANNULLO, individually and as a member of the Board of Education, RICHARD AHKAO, individually and as a member of the Board of Education, CHARLES STROPOLI, individually and as a member of the Board of Education, WILLIAM P. MARTIN, individually and as a member of the Board of Education,

Defendants.

CIVIL ACTION

File 76 Civ. 911

NOTICE OF APPEAL

Notice is hereby given that GLADYS GENTILE the plaintiff above named hereby appeals to the United States Court of Appeals for the Second Circuit from the memorandum and final order entered in this action on December 23, 1976.

Dated: January 21, 1977.

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By____________________
DAVID N. STEIN
Of Counsel